

Title 22A
ADMINISTRATION

Chapter 22A.010	GENERAL ADMINISTRATION	2
Chapter 22A.020	DEFINITIONS	8
Chapter 22A.030	ZONES, MAPS AND DESIGNATIONS	55
Chapter 22A.040	TRANSITION TO TITLE 22 UNIFIED DEVELOPMENT CODE.....	60

Chapter 22A.010**GENERAL ADMINISTRATION****Sections:**

22A.010.010	Title.	2
22A.010.020	Authority.	2
22A.010.030	Purpose.	2
22A.010.040	Conformity with this title required.....	3
22A.010.050	Minimum requirements.	3
22A.010.060	Interpretation – General.....	3
22A.010.070	Interpretation – Land Use.....	4
22A.010.080	Interpretation – Zoning maps.	4
22A.010.090	Administration and review authority.....	4
22A.010.100	Conditions of Approval.	6
22A.010.110	Responsibility of Applicant.	6
22A.010.120	No special duty created.	6
22A.010.130	Severability.	6
22A.010.140	Savings.	6
22A.010.150	Effective Date.....	7
22A.010.160	Amendments.	7

22A.010.010**Title.**

This title shall be known as the city of Marysville **Unified Development Code** and may be cited as the “UDC,” “code” or “this title.”

22A.010.020**Authority.**

The UDC is enacted under the authority granted to the City of Marysville by the Constitution of the State of Washington, the Optional Municipal Code (RCW Title 35A) and other sections of the Revised Code of Washington (RCW).

22A.010.030**Purpose.**

The general purposes of this title are:

- (1) To establish regulatory procedures and standards for review and approval of all proposed development in the city.
- (2) To foster and preserve public health, safety, comfort, and welfare, and to aid in the harmonious, orderly, aesthetically pleasing, and socially and economically beneficial development of the city, in accordance with the comprehensive plan.
- (3) To adopt a development review process that is:
 - (a) Efficient, in terms of time and expense;
 - (b) Effective, in terms of addressing the natural, historic, and aesthetic resources and public facility implications of any proposed development, while also protecting and improving the quality of life in the city; and
 - (c) Equitable, in terms of consistency with established regulations and procedures, respect for the rights of all property owners, and consideration of the interests of the citizens and residents of the city.
- (4) To implement the comprehensive plan of the city by:
 - (a) Establishing regulations and conditions governing the erection and future use of buildings and other structures and the uses of land planned for the future as specified in the comprehensive plan;
 - (b) Securing safety from fire, panic, and other dangers;
 - (c) Lessening automobile congestion of the streets;
 - (d) Providing for adequate light and air;
 - (e) Preventing overcrowding of land;
 - (f) Avoiding undue congestion of population and facilitating the adequate provision of transportation, potable water, wastewater disposal, schools, parks, and other public requirements of the city;
 - (g) Dividing the city into zoning districts, defining certain terms, designating the uses and intensities thereof that are permitted in the different districts, and providing lot size and other dimensional and density requirements;

(h) Establishing performance standards that apply to all new development as well as the redevelopment of all lands in the city; and

(i) Defining the functions of the community development department, hearing examiner and city council and other relevant agencies with respect to the administration and enforcement of this development code.

(5) To be consistent with the city of Marysville's comprehensive plan by ensuring that all development in the city will be served by adequate public facilities.

(6) To provide for a penalty for the violation of this development code.

(7) To minimize and/or avoid public nuisances by preventing incompatible uses from locating adjacent or within close proximity to one another, and/or by conditioning certain uses in particular circumstances, thereby restricting those aspects of the uses that may be incompatible.

(8) To encourage land use decision making in accordance with the public interest and applicable laws of the state of Washington.

(9) To promote general public safety by regulating development of lands containing physical hazards and to minimize the adverse environmental impacts of development.

22A.010.040 Conformity with this title required.

(1) No use or structure shall be established, substituted, expanded, constructed, altered, moved, maintained, or otherwise changed except in conformance with this title.

(2) Creation of or changes to lot lines shall conform with the use provisions, dimensional and other standards, and procedures of this title.

(3) All land uses and development authorized by this title shall comply with all other regulations and or requirements of this title as well as any other applicable local, state or federal law. Where a difference exists between this title and other city regulations, the more restrictive requirements shall apply.

(4) Where more than one part of this title applies to the same aspect of a proposed use or development, the more restrictive requirement shall apply.

22A.010.050 Minimum requirements.

In interpretation and application, the requirements set forth in this title shall be considered the minimum requirements necessary to accomplish the purposes of this title.

22A.010.060 Interpretation – General.

(1) In case of inconsistency or conflict, regulations, conditions or procedural requirements that are specific to an individual land use shall supersede regulations, conditions or procedural requirements of general application.

(2) A land use includes the necessary structures to support the use unless specifically prohibited or the context clearly indicates otherwise, subject to other standards in code and any required permits for structures.

(3) Chapter and section headings, captions, illustrations and references to other sections or titles are for reference or explanation only and shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section. In case of any ambiguity, difference of meaning or implication between the text and any heading, caption or illustration, the text and the permitted use tables in [Chapter\(s\) 22.010 and 22.020 MMC](#) shall control. All applicable requirements shall govern a use whether or not they are cross-referenced in a text section or land use table.

(4) For the purposes of [Title 22 MMC](#), all words used in the code shall have their normal and customary meanings, unless specifically defined otherwise in this code.

(5) Words used in the present tense include the future.

(6) The plural includes the singular and vice versa.

(7) The words "will" and "shall" are mandatory.

(8) The word "may" indicates that discretion is allowed.

(9) The word "used" includes designed, intended, or arranged to be used.

(10) The masculine gender includes the feminine and vice versa.

(11) Distances shall be measured on a horizontal plane unless otherwise specified.

(12) The word "building" includes a portion of a building or a portion of the lot on which it stands.

(13) The word "days" refers to calendar days.

22A.010.070 Interpretation – Land Use.

(1) The community development director shall determine whether a proposed land use is allowed in a zone. The Standard Industrial Classification Manual (SIC), current edition, prepared by United States Office of Management and Budget, and the New Illustrated Book of Development Definitions, prepared by Moskowitz and Lindbloom, will be used as reference guides in the classification and/or interpretation of a proposed use.

(2) The community development director's determination shall be based on whether or not permitting the proposed use in a particular zone is consistent with the purposes of this title and the zone's purpose as set forth in [Chapter 22A.030 MMC](#), by considering the following factors:

(a) The physical characteristics of the use and its supporting structures, including but not limited to scale, traffic and other impacts, and hours of operation;

(b) Whether or not the use complements or is compatible with other uses permitted in the zone; and

(c) The SIC classification, if any, assigned to the business or other entity that will carry on the primary activities of the proposed use.

(3) The decision of the community development director shall be final unless the applicant or an adverse party files an appeal to the hearing examiner pursuant to [Chapter 22G.010 MMC Article VIII - Appeals](#).

22A.010.080 Interpretation – Zoning maps.

Where uncertainties exist as to the location of any zone boundaries, the following rules of interpretation, listed in priority order, shall apply:

(1) Where district boundaries are indicated as approximately following street lines, alley lines, or lot lines, such lines shall be construed to be such boundaries.

(2) Where boundaries are indicated as following approximately lot lines, the actual lot lines shall be considered the boundaries. In subdivided property or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the map.

(3) Where boundaries are indicated as following lines of ordinary high water, or government meander line, the lines shall be considered to be the actual boundaries. If these lines should change the boundaries shall be considered to move with them.

(4) Where any street, road or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street, road or alley added to the property by virtue of such vacation or abandonment.

(5) All land hereafter annexed to the city shall be zoned consistent with the comprehensive plan designation previously assigned to the property by the city of Marysville. In the event the property does not have a comprehensive plan designation assigned to it by the city of Marysville, it shall be designated R-4.5 as an interim zoning classification, until such time when the city amends its comprehensive plan and assigns a land use designation and corresponding zoning to the property.

22A.010.090 Administration and review authority.**(1) Roles and responsibilities.**

(a) The regulation of land development is a cooperative activity including many different elected and appointed boards and city staff. The specific responsibilities of these bodies is set forth subsections (2) through (7) of this section.

(b) An applicant is expected to read and understand the city development code and be prepared to fulfill the obligations placed on the applicant by [MMC Title 22](#).

(2) Community Development director.

The director or designee shall review and act on the following:

(a) Authority. The director is responsible for the administration of [MMC Title 22](#);

(b) Administrative Interpretation. Upon request or as determined necessary, the director shall interpret the meaning or application of the provisions of said titles and issue a written administrative interpretation within 30 days of said request. Requests for interpretation shall be written and shall concisely identify the issue and desired interpretation;

(c) Administrative Approvals. Administrative approvals set forth in [MMC 22G.010.140](#), [22G.010.150](#) and [22G.010.160](#);

(d) Short plats;

(e) Shoreline permits for substantial development;

(f) SEPA (State Environmental Policy Act) determinations;

(g) Site plan with commercial, industrial, institutional (e.g., church, school) or multiple-family building permit;

(h) Site plan with administrative conditional use permit;

(i) Master plan for properties under ownership or contract of applicant(s).

(j) Temporary use permits, unless a public hearing is required as set forth in [Chapter 22G.010 MMC Article V – Code Compliance and Director Review Procedures](#), in which case this authority shall be exercised by the hearing examiner.

(k) Conditional use permits, unless a public hearing is required as set forth in [Chapter 22G.010 MMC Article V – Code Compliance and Director Review Procedures](#), in which case this authority shall be exercised by the hearing examiner.

(l) The community development director is hereby authorized after the date of the adoption of this ordinance to incorporate drawings as necessary for the purpose of illustrating concepts and regulatory standards contained in this title; provided, that the adopted provisions of the code shall control.

(3) City council.

In addition to its legislative responsibility, the city council shall review and act on the following subjects:

(a) Approval of final plats;

(b) Approval of the comprehensive plan and comprehensive plan amendments;

(c) Approval of area-wide rezones, and confirmation by ordinance of site-specific rezones approved by the hearing examiner.

(4) Planning commission.

The planning commission shall review and make recommendations on the following applications and subjects:

(a) Amendments to the comprehensive plan;

(b) Amendments to [MMC Title 22C Land Use Standards](#).

(c) Amendments to [MMC Title 22D City-Wide Standards](#).

(d) Amendments to [MMC Title 22E Environmental Standards](#).

(e) Amendments to [Chapter 22G.040 MMC](#), Security for Performance and Maintenance.

(f) Amendments to [Chapter 22G.070 MMC](#), Siting for Essential Public Facilities.

(g) Amendments to [Chapter 22G.080 MMC](#), Planned Residential Development.

(h) Amendments to [Chapter 22G.090 MMC](#), Subdivisions and Short Subdivisions.

(i) Amendments to [Chapter 22G.100 MMC](#), Binding Site Plan.

(j) Amendments to [Chapter 22G.110 MMC](#), Boundary Line Adjustments.

(k) Master plan, initiated by the city or other governmental agency, for a neighborhood or assembly of parcels under private ownership or contract;

(l) Recommendations to the hearing examiner on master plans initiated by private property owners, which includes outside ownership or contract of the applicants;

(g) Other actions requested or remanded by the city council.

(5) Hearing examiner.

The hearing examiner shall review and act on the following applications and subjects:

(a) Applications for preliminary subdivisions;

(b) Appeals of administrative decisions on preliminary short plats;

(c) Site-specific rezones (with final approval by ordinance of the city council);

(d) Binding site plan approvals subject to public hearing review;

(e) Conditional use permits subject to public hearing review;

(f) Non-administrative variances to [MMC Title 22](#);

(g) Appeals of administrative decisions and interpretations relating to [MMC Titles 4, 12 and 22](#);

(h) Appeals of SEPA determinations;

(i) Master plan, initiated by private property owners, including land outside ownership or contract of applicant(s);

(j) Such other matters as are delegated by ordinance of the city council.

(6) Building official.

The building official shall have the authority to grant, condition or deny the following permits in accordance with the procedures set forth in [Chapter 22G.010 MMC Article V – Code Compliance and Director Review Procedures](#):

(a) Commercial building permits.

(b) Residential building permits.

- (c) Clearing and grading permits.
 - (7) **Building code board of appeals.**
 - The board of appeals shall review and act on the following subjects:
 - (a) Appeals of decisions of the building official on the interpretation or application of the building or fire code;
 - (b) Disapproval of a permit for failure to meet the Uniform Building or Fire Codes.
- The review criteria for the building code board of appeals are contained in [MMC 16.04.035](#).

22A.010.100 Conditions of Approval.

All approvals granted pursuant to this title may be made subject to such conditions as are determined by the decision-maker to be reasonably necessary to protect the public health, safety or welfare and to assure compliance with the requirements of the land use and development codes. All conditions must be based upon written policies and standards adopted by city council or by administrative rule of the planning commission, hearing examiner, community development director or other decision-maker. If conditions are imposed by a decision authorized by this title, the City may cause a notice to be recorded in the Snohomish County auditor's office that development on the affected property is subject to conditions.

22A.010.110 Responsibility of Applicant.

All applicants under this title in all cases have the responsibility to:

- (1) Know the requirements of the law;
- (2) Obtain and furnish all data and information, whether by actual tests and samples, engineering studies, surveys, or otherwise, necessary to permit proper processing of the application and to affirmatively demonstrate that all criteria, including personal qualifications, are met;
- (3) Bear the cost or otherwise participate in required data collection and other necessary procedures;
- (4) Employ competent professional services are warranted; and
- (5) Demonstrate that representatives are authorized to act for another.

22A.010.120 No special duty created.

- (1) It is the purpose of this title to provide for the health, welfare, and safety of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this title. No provision or term used in this title is intended to impose any duty whatsoever upon the city or any of its officers, agents, or employees for whom the implementation or enforcement of this title shall be discretionary and not mandatory.
- (2) Nothing contained in this title is intended to be nor shall be construed to create or form the basis for any liability on the part of the city or its officers, agents, and employees for any injury or damage resulting from the failure of any premises to abate a nuisance or to comply with the provisions of this title or be a reason or a consequence of any inspection, notice or order, in connection with the implementation or enforcement of this title, or by reason or a consequence of any inspection, notice or order, in connection with the implementation or enforcement of this title, or by reason of any action of the city related in any manner to enforcement of this title by its officers, agents or employees.

22A.010.130 Severability.

This title enacted under divisions, chapters, sections, clauses and other portions, is declared to be severable. If any division, chapter, section, paragraph, clause or other portion or any part adopted by reference is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this title. If any division, chapter, section, paragraph, clause or any portion is adjudged invalid or unconstitutional as applied to a particular property, use, building or other structure, the application of such portion of this title to other property, use, buildings or structures shall not be affected.

22A.010.140 Savings.

Nothing contained in this title shall be construed as abating any action now pending under or by virtue of any ordinance of the city herein repealed, or as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting liability of any person, firm or corporation, or

as waiving any right of the city under any ordinance or provision thereof in force at the time of passage of the ordinance codified in this title.

22A.010.150 Effective Date.

The effective date of the UDC shall be ____ (Ordinance No. ____).

22A.010.160 Amendments.

The following amendments have been made to the UDC subsequent to its adoption:

<u>Ordinance</u>	<u>Title (description)</u>	<u>Effective Date</u>
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Chapter 22A.020**DEFINITIONS****Sections:**

22A.020.010	Undefined Words and Phrases.	8
22A.020.020	"A" Definitions	8
22A.020.030	"B" Definitions	13
22A.020.040	"C" Definitions	16
22A.020.050	"D" Definitions	20
22A.020.060	"E" Definitions	22
22A.020.070	"F" Definitions	25
22A.020.080	"G" Definitions	27
22A.020.090	"H" Definitions	28
22A.020.100	"I" Definitions	29
22A.020.110	"J" Definitions	30
22A.020.120	"K" Definitions	31
22A.020.130	"L" Definitions	31
22A.020.140	"M" Definitions	32
22A.020.150	"N" Definitions	35
22A.020.160	"O" Definitions	36
22A.020.170	"P" Definitions	37
22A.020.180	"Q" Definitions	40
22A.020.190	"R" Definitions	41
22A.020.200	"S" Definitions	42
22A.020.210	"T" Definitions	48
22A.020.220	"U" Definitions	50
22A.020.230	"V" Definitions	50
22A.020.240	"W" Definitions	50
22A.020.250	"X" Definitions	53
22A.020.260	"Y" Definitions	53
22A.020.270	"Z" Definitions	54

22A.020.010**Undefined Words and Phrases.**

The definition of any word or phrase not listed in the definitions, which is in question when administering this title, shall be defined by the Community Development Director from one of the sources set forth below. The sources shall be utilized by finding the desired definition from source number one, but if it is not available there, then source number two may be used and so on. The sources are as follows:

- (1) Any City of Marysville resolution, ordinance, code, or regulation.
- (2) Any statute or regulation of the State of Washington.
- (3) Legal definitions from Washington common law or a law dictionary.
- (4) The common dictionary.
- (5) *A Planners Dictionary* published by the American Planning Association.

22A.020.020**"A" Definitions****Abandoned sign.**

A sign which for a period of at least sixty (60) consecutive days or longer no longer advertises or identifies a legal business establishment, product or activity.

Abandoned sign structure.

A sign structure where no sign has been in place for a continuous period of at least three (3) years.

A-board.

A temporary portable sign, usually constructed of two pieces of wood, plastic or similar material, attached to each other at the top edge that stands like an "A" or is worn by a person such that one sign face is visible on either side of the sign. See also sandwich boards.



Accessory dwelling unit, or ADU.

An accessory dwelling unit is a separate additional living unit, including separate kitchen, sleeping, and bathroom facilities attached or detached from the primary residential unit, on a single-family lot. ADUs are known variously as:

- (1) "mother-in-law apartments,"
- (2) "accessory apartments," or
- (3) "second units."

Accessory Structure.

A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure.

- (1) Accessory structures may be attached or detached from the primary structure.
- (2) Examples of accessory structures include:
 - (a) garages,
 - (b) decks,
 - (c) fences,
 - (d) trellises,
 - (e) flag poles,
 - (f) stairways,
 - (g) heat pumps,
 - (h) awnings, and
 - (i) other structures.

Accessory use, commercial/ industrial.

"Accessory use, commercial/industrial" means:

- (1) A use that is subordinate and incidental to a commercial or industrial use; including, but not limited to the following uses:
 - (a) Administrative offices;
 - (b) Employee exercise facilities;
 - (c) Employee food service facilities;
 - (d) Incidental storage of raw materials and finished products sold or manufactured on-site;
 - (e) Business owner or caretaker residence;
 - (f) Cogeneration facilities; and
 - (g) Ground maintenance facilities.
- (2) Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval.

Accessory use, residential.

"Accessory use, residential" means:

- (1) A use, structure, or activity which is subordinate and incidental to a residence including, but not limited to the following uses:
 - (a) Accessory living quarters and dwellings;
 - (b) Fallout/bomb shelters;
 - (c) Keeping household pets;
 - (d) On-site rental office;
 - (e) Pools, private docks, piers;
 - (f) Antennae for private telecommunication services;
 - (g) Storage of yard maintenance equipment; or
 - (h) Storage of private vehicles, e.g., motor vehicles, boats, trailers or planes.
- (2) Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval.

Address sign.

A sign displaying only an address.

Adjacent property owners.

The owners of real property, as shown by the records of the county assessor, located within 300 feet of any portion of the boundary of the proposed subdivision. In the case of a mortgage

company or bank, the occupant of the site address shall also be included. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice shall be given to owners of real property located within 300 feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided.

Administrative decision.

A permit decision by an officer authorized by the local government. The decision may be for approval, denial, or approval with conditions and is subject to the applicable development standards of the land use or development codes.

Adult facility or facilities.

An adult cabaret, adult drive-in theater, adult motion picture theater, adult panoram establishment, or body shampoo parlor.

Adult cabaret.

A commercial establishment which presents go-go dancers, strippers, male or female impersonators, or similar entertainers and in which the patrons are exposed to "specified sexual activities" or "specified anatomical areas" regardless of the form of its business organization whether proprietorship, partnership, corporation or other form, and regardless whether the organization is for profit or not. An organization may be an "adult cabaret" even though its patrons are members and it characterizes itself as a club, fraternal organization, church, society or otherwise.

Adult drive-in theater.

A drive-in theater used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" regardless of the form of its business organization whether proprietorship, partnership, corporation or other form, and regardless whether the organization is for profit or not. An organization may be an "adult drive-in theater" even though its patrons are members and it characterizes itself as a club, fraternal organization, church, society or otherwise.

Adult family home.

The regular family abode of a person or persons who are providing personal care, room and board to more than one but not more than four adults who are not related by blood or marriage to the person or persons providing the services; except that a maximum of six adults may be permitted if the Washington State Department of Social and Health Services determines that the home and the provider are capable of meeting standards and qualification provided for by law ([RCW 70.128.010](#)).

Adult motion picture theater.

An enclosed building used for presenting for commercial purposes motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

Adult panoram establishment or adult panoram.

A business in a building or portion of a building which contains device(s) which for payment of a fee, membership fee or other charge, is used to exhibit or display a picture, view, or other graphic display distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" regardless of the form of its business organization whether proprietorship, partnership, corporation or other form, and regardless whether the organization is for profit or not. An organization may be an "adult panoram establishment" or "adult panoram" even though its patrons are members and it characterizes itself as a club, fraternal organization, church, society or otherwise.

Aggrieved person.

One whose proprietary, pecuniary or personal rights would be substantially affected by a particular action as determined by the hearing examiner.

Agricultural crop sales.

The retail sale of fresh fruits, vegetables and flowers produced on-site. This use is frequently found in roadside stands or U-pick establishments.

Alley.

An improved thoroughfare or right-of-way, whether public or private, usually narrower than a street, that provides vehicular access to an interior boundary of one or more lots, and is not designed for general traffic circulation.

Anadromous fish.

Fish that ascend to rivers from the sea for breeding, including salmon and trout.

Animal, small.

Any animal other than livestock or animals considered to be predatory or wild which are kept outside a dwelling unit all or part of the time. Animals considered predatory or wild shall be considered small animals when they are taken into captivity for the purposes of breeding, domestication, training, hunting or exhibition.

Animated sign.

A sign which has any visible moving part, flashing or osculating lights, either natural or artificial, or visible movement achieved by any means that move, change, flash, osculate or visibly alter in appearance, in order to depict action or to create special effects or scenes.

Antenna.

Any apparatus designed for the transmitting and/or receiving of electromagnetic waves, including but not limited to: telephonic, radio or television communications. Types of antenna elements include, but are not limited to: omni-directional (whip) antennas, sectorized (panel) antennas, multi or single bay (FM and TV), yagi, or parabolic (dish) antennas.

Antenna array.

A single or group of antenna elements and associated mounting hardware, feed lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

Antenna support structure.

A vertical projection composed of metal or other material with or without a foundation that is designed for the express purpose of accommodating antennas at a desired height. Antenna support structures do not include any device used to attach antennas to an existing building, unless the device extends above the highest point of the building by more than 20 feet. Types of support structures include the following:

- (1) Guyed antenna support structure (a style of antenna support structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.).
- (2) Lattice antenna support structure (a tapered style of antenna support structure that consists of vertical and horizontal supports with multiple legs and cross-bracing and metal crossed strips or bars to support antenna).
- (3) Monopole antenna support structure (a style of freestanding antenna support structure consisting of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of antenna support structure is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof.).

Appeal.

A request for review of the interpretation of any provision of [Title 22 MMC](#).

Appeal – Standing For.

As provided under [RCW 36.70C.060](#), persons who have standing are limited to the following:

- (1) The applicant and the owner of property to which the land use decision is directed; and

(2) Another person aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:

- (a) The land use decision has prejudiced or is likely to prejudice that person.
- (b) That person's asserted interests are among those that the local jurisdiction was required to consider when it made the land use decision.
- (c) A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision; and
- (d) The petitioner has exhausted his or her administrative remedies to the extent required by law ([RCW 36.70C.060](#)).

Applicant.

An application for a permit, certificate, or approval under the land use codes must be made by or on behalf of all owners of the land and improvements. "Owners" are all persons having a real property interest. Owners include:

- (1) holder of fee title or a life estate;
- (2) holder of purchaser's interest in a sale contract in good standing;
- (3) holder of seller's interest in a sale contract in breach or in default;
- (4) grantor of deed of trust;
- (5) presumptively, a legal owner and a taxpayer of record;
- (6) fiduciary representative of an owner;
- (7) person having a right of possession or control; or
- (8) any one of a number of co-owners, including joint, in common, by entireties and spouses as to community property.

Application, Complete.

An application that is both counter-complete and determined to be substantially complete as set forth in [Chapter 22G.010 MMC Article I – Consolidated Application Process](#).

Area of shallow flooding, (*Floodplain management*).

A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

Area of special flood hazard, (*Floodplain management*).

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

Assisted Living Facility.

A multi-family residential use licensed by the State of Washington as a boarding home pursuant to [chapter 18.20 RCW](#), for people who have either a need for assistance with activities of daily living (which are defined as eating, toileting, ambulation, transfer [e.g., moving from bed to chair or chair to bath], and bathing) or some form of cognitive impairment but who do not need the skilled critical care provided by nursing homes.

- (1) An "assisted living facility" contains multiple assisted living units.
- (2) An assisted living unit is a dwelling unit permitted only in an assisted living facility.

Attached Housing.

Two or more dwelling units attached by a common wall at a shared property line. These include:

- (1) townhouses,
- (2) row houses, and
- (3) other similar structures
- (4) that are single-family residences on individual lots, sharing a common wall at a shared property line.

Attached sign.

Any sign attached or affixed to a building. Attached signs include wall signs, projecting signs, and window signs.

Attached Structure.

Any structure that is attached by a common wall to a dwelling unit.

- (1) The common wall must be shared for at least fifty percent of the length of the side of the principal dwelling.
- (2) A breezeway is not considered a common wall.
- (3) Structures including garages, carports, and house additions attached to the principal dwelling unit with a breezeway are still detached structures for purposes of this chapter and its administration.

Attached WCF.

An antenna or antenna array, including RF-to-lightwave converter equipment, that is secured to an existing building, structure (not including an antenna support structure), utility pole, cross country electrical distribution tower, with or without any accompanying new pole or device which attaches it to the building or structure, together with feed lines, and base station, which may be located either on the roof, inside or outside of the building or structure.

Automobile holding yard.

A lot, parcel or part thereof used for the storage of motor vehicles.

Automobile sales lot.

Any place outside a building where two or more automobiles are offered for sale or are displayed.

Automobile wrecking yard.

A lot, land or structure, or part thereof, used for the collecting, dismantling, storage, salvaging or sale of parts of machinery or vehicles not in running condition.

Awning sign.

A sign attached to an awning, canopy or other similar structure, which is comprised of fabric, plastic or similar materials and is located over an entrance, a window or an outdoor service area at a place of business. An awning sign is a type of wall sign. A marquee sign is an awning sign.

**22A.020.030****"B" Definitions****Banner.**

A temporary, lightweight sign that contains a message which is attached or imprinted on a flexible surface that deforms under light pressure and that is typically constructed of non-durable materials, including, but not limited to, cardboard, cloth and/or plastic.

Base elevation.

The average elevation of the approved topography of a parcel at the midpoint on each of the four sides of the smallest rectangle which will enclose the proposed structure, excluding all eaves and decks. The approved topography of a parcel is the natural topography of a parcel or the topographic conditions approved by the city prior to August 10, 1969, or as approved by a subdivision, short subdivision, binding site plan, shoreline substantial development permit, filling and grading permit or SEPA environmental review issued after August 10, 1969. An approved benchmark will establish the relative elevation of the four points used to establish the base elevation.

Base flood, (*Floodplain management*).

The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V.

Base station.

The wireless service provider's specific electronic equipment used to transmit and receive radio signals located within and including cabinets, shelters, pedestals or other similar enclosures generally used to contain electronic equipment for said purpose.

Basement, (*Floodplain management*).

Any area of the building having its floor subgrade (below ground level) on all sides.

Battery charging station.

An electrical component assemble or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by [chapter 19.28 RCW](#) and consistent with rules adopted under [RCW 19.27.540](#).

Battery electric vehicle, or BEV.

Any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries, and produces zero tailpipe emissions or pollution when stationary or operating.

Battery exchange station.

A full automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by [chapter 19.27 RCW](#) and consistent with rules adopted under [RCW 19.27.540](#).

Bed and breakfast guesthouse.

A facility in which one kitchen, a shared dining area, and not more than a total of three guest rooms are available within a single-family residence and/or one outbuilding, providing short-term lodging for paying guests.

Bed and breakfast inn.

A facility in which one kitchen, a shared dining area, and not more than a total of six guest rooms are available within a single-family residence and/or one outbuilding, providing short-term lodging for paying guests.

Best available science.

Current scientific information used in the process to designate, protect, or restore critical areas, which is derived from a valid scientific process in accordance with [WAC 365-195-900](#) through [365-195-925](#), as amended.

Best management practices, or BMPs.

Refers to the schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water and have been approved by the engineer. BMPs include, but are not limited to, infiltration, retention and/or detention, dispersion, amended soils, biofiltration facilities, bioretention facilities, open ditches with check dams, filter fabric strips, oil/water separators, wet ponds, constructed wetlands, erosion and sedimentation control, and other treatment/abatement facilities.

Billboard.

A preprinted or hand-painted changeable advertising copy sign which directs attention to businesses, commodities, services, or facilities which are not primarily sold, manufactured, or distributed from the property on which the sign is located and are customarily leased for commercial purposes. The term "billboard" includes both the structural framework that supports a billboard and any billboard faces attached thereto.

Binding site plan.

A drawing to scale which:

- (1) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, and open spaces;

- (2) Any other matters required to be identified by the city, and containing inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as established by the city;
- (3) Contains provisions making any development be in conformity with the site plan; and
- (4) Contains provisions in which an applicant can offer for sale, lease, transfer of ownership of lots, parcels or tracts.

Blade/bracket sign.

A small, pedestrian-oriented sign that projects perpendicular from a structure (*blade sign*) or is hung beneath an awning, canopy, or marquee (*bracket sign*).

Block.

A group of lots, tract or parcels within well-defined and fixed boundaries.

Boathouse.

A structure specifically designed or used for storage of boats.

Body shampoo parlor.

Any place open to the public where an attendant is present and a patron's body is washed or shampooed regardless of the form of its business organization whether proprietorship, partnership, corporation or other form, and regardless whether the organization is for profit or not. An organization may be a "body shampoo parlor" even though its patrons are members and it characterizes itself as a club, fraternal organization, church, society or otherwise. A body shampoo parlor shall not include any barber or beauty salon, medical facility or nursing home facility where a customer or patient may be washed, shaved and/or shampooed.

Bond.

See "suitable guarantee."

Boundary line adjustment.

A division made for the purpose of adjusting lot lines between platted and unplatted lots or both which does not create any additional lot, tract, parcel, building site or division, nor create any lot, tract, parcel, building site or division which contains insufficient area and dimension to meet minimum requirements as specified by the city's zoning code for width and area for lots, tracts, parcels, building sites.

Boundary lines.

Lines that separate and establish an area with fixed limits for lots, tracts, parcels or building sites.

Boundary line adjustment/survey map.

A drawing to scale showing all the required information as specified in [Chapter 22G.110 MMC](#).

Building.

Any structure having a roof, but excluding all forms of vehicles even though immobilized. When a use is required to be within a building, or where special authority granted pursuant to this title requires that a use shall be within an entirely enclosed building, then "building" means one so designed and constructed that all exterior walls of the structure shall be solid from the ground to the roof line, and shall contain no openings except for windows and doors which are designed so that they may be closed.

Building appurtenance.

Chimneys, steeples, television and radio antennas, ham radio antennas, flagpoles and vent pipes in any zone, and mechanical systems on structures in zones other than single-family zones.

Building area.

The total ground coverage of a building or structure which provides shelter measured from the outside of its external walls or supporting members.

Building envelope.

The area of a lot within which a structure may be placed and that is defined by minimum setbacks.

Building facade.

The front of the building and any street wall face.

Building height.

The vertical distance from the base elevation of a building to the highest point of the roof, exclusive of building appurtenances.

Building line.

The line of that face, corner, roof or part of a building nearest the property line.

Building official.

The supervisor of the building division, or his or her designee.

Building setback line.

A line establishing the minimum distance a building may be located from any property line, improvements, rights-of-way, stream, drainage way, steep slope or other boundaries or potential hazards.

Building site.

An area identified on the face of the proposed plat, short plat or binding site plan establishing buildable areas.

Bulk retail.

An establishment offering the sale of bulk goods to the general public, including limited sales to wholesale customers. These establishments may include a variety of lines of merchandise such as food, building, hardware and garden materials, dry goods, apparel and accessories, home furnishings, housewares, drugs, auto supplies, hobby, toys, games, photographic, and electronics.

22A.020.040**“C” Definitions****Canopy sign.**

Any permanent sign attached to or constructed underneath a canopy. These signs are below a projecting structure, which extends over the pedestrian walkway and which would effectively prevent a wall sign from being visible to the pedestrian walking under the canopy. See also projecting and blade/bracket sign.

Capital facilities plan.

All documents comprising the capital facilities element of the comprehensive plan that, for capital facilities, consists of an inventory of facilities owned by public entities, forecasts of future needs, new and expanded facilities, and a multi-year financing plan, adopted pursuant to [Chapter 36.70A RCW](#).

Carport.

A structure to house or protect motor vehicles owned or operated by the occupants of the main building, and which has at least 40 percent of the total area of its sides open to the weather.

Certificate of occupancy.

A permit to occupy a premises issued by the building official after inspection has verified compliance with the requirements and provisions of this title and applicable building codes.

Changeable copy sign.

A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means (for example, time and temperature units), or manually through placement of letters or symbols on a panel mounted in or on a track system.

Change of occupancy.

A change of use from one major land use category to another, and shall be determined to have occurred when it is found that the general character of the operation has been modified and results in an intensification of land use that will require new development conditions to comply with existing regulations. This determination shall include review of, but not be limited to:

- (1) Hours of operation;
- (2) Materials processed or sold;
- (3) Required parking;
- (4) Traffic generation;
- (5) Impact on public utilities;
- (6) Clientele; and
- (7) General appearance and location.

Charging levels.

The standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2 and 3 are the most common EV charging levels, and include the following specifications:

- (1) Level 1 is considered slow charging.
- (2) Level 2 is considered medium charging.
- (3) Level 3 is considered fast or rapid charging.

City.

The City of Marysville, Washington.

City gateway sign.

A sign constructed and maintained by the city to welcome citizens and visitors to the city. Gateway signs are usually installed along major arterial streets leading into the city.

City standards.

The engineering design and development standards as published by the department of public works.

Clearance of a sign.

The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

Clearing.

The removal of timber, brush, grass, groundcover or other vegetative matter from a site which exposes the earth's surface of the site.

Clinic.

A building designed and used for the medical, dental or surgical diagnosis or treatment of patients under the care of doctors and/or nurses.

Closed record appeal hearing.

A hearing, conducted a single hearing body or officer authorized to conduct such hearings, that relies on the existing record created during a quasi-judicial hearing on the application. No new testimony or submission of new evidence and information is allowed.

Club.

An incorporated or unincorporated association of persons organized for a social, fraternal, athletic, educational, literary or charitable purpose. Property predominantly occupied by a club is semiprivate in character and shall be subject to the regulations governing public buildings and places, excluding groups organized primarily to render a service which is normally considered a business.

Cogeneration.

The sequential generation of energy and useful heat from the same primary source or fuel for industrial, commercial, or residential heating or cooling purposes.

Co-location.

The practice of installing and operating multiple wireless carriers, service providers, and/or radio common carrier licensees on the same antenna support structure or attached wireless communication facility using different and separate antenna, feed lines and radio-frequency-generating equipment.

Combined antenna.

An antenna or an antenna array designed and utilized to provide multiple services or services for more than one wireless provider for the same or similar type of services.

Commercial use.

An activity with goods, merchandise or services for sale or involving a rental fee, including any garage sale which fails to comply with one or more of the conditions specified in the definition thereof contained in this chapter.

Commercial vehicle.

A motor vehicle used for purposes other than a family car, such as a taxi, delivery or service vehicle.

Community Meeting.

An informal meeting, workshop, or other public meeting to obtain comments from the public or other agencies on a proposed project permit generally prior to the submission of an application.

(1) A community meeting is between an applicant and owners, residents of property in the immediate vicinity of the site of a proposed project and the public, conducted prior to the submission of an application to the City of Marysville.

(2) A community meeting does not constitute an open record hearing.

(3) The proceedings at a community meeting may be recorded and a report or recommendation shall be included in the permit application file.

Compensatory mitigation.

Replacing project-induced losses or impacts to a critical area including, but not limited to, the following:

(1) Restoration – Actions performed to re-establish wetland functional characteristics and processes that have been lost by alterations, activities, or catastrophic events within an area that no longer meets the definition of a wetland.

(2) Creation – Actions performed to intentionally establish a wetland at a site where it did not formerly exist.

(3) Enhancement – Actions performed to improve the condition of existing degraded wetlands so that the functions they provide are of a higher quality.

(4) Preservation – Actions taken to ensure the permanent protection of existing high-quality wetlands.

Comprehensive plan.

The City of Marysville Comprehensive Plan, a document adopted pursuant to [chapter 36.70A RCW](#) providing land use designations, goals and policies regarding land use, housing, capital facilities, housing, transportation, and utilities.

Comprehensive plan amendment.

An amendment or change to the text or maps of the comprehensive plan.

Concealed WCF.

Sometimes referred to as a “stealth” or “camouflaged” facility, means the antenna or antenna array, antenna support structure, base station, and feed lines are not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site. Examples of concealed attached facilities include, but are not limited to, the following: painted antenna and feed lines to match the color of a building or structure, faux windows, dormers or other architectural features that blend with an existing or proposed building or structure. Examples of concealed antenna support structures can have a secondary, obvious function which may be, but is

not limited to, the following: church steeple, windmill, bell tower, clock tower, cupola, light standard, utility pole, flagpole with or without a flag, or tree.

Conditional use.

A use permitted in one or more zones as defined by this title but which, because of characteristics peculiar to such use, or because of size, technological processes or equipment, or because of the exact location with reference to surroundings, streets, and existing improvements or demands upon public facilities, requires a special degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same zone or zones. A conditional use is a form of special exception.

Conditional use permit.

A permit granted by the city to locate a permitted use on a particular property subject to conditions placed on the permitted use to ensure compatibility with nearby land uses.

Condominium.

Real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to [chapter 64.34 RCW](#).

Consolidation.

Removal of one or several antenna support structure(s) or attached WCF located within a 1,500-foot radius of the center of the consolidated antenna support structure and its base station in order to encourage compliance with this chapter or to improve aesthetics or functionality of the overall wireless network.

Construction sign.

A sign on the site of a construction project that identifies the project, its character, or purpose and that may include the architects engineers, planners, contractors or other individuals or firms involved.

Contiguous parcels.

Land adjacent to other land which is under the same ownership and not separated by public right-of-way.

Cottage housing developments.

A grouping of small, single-family dwelling units, clustered around a common area and developed with a coherent plan for the site in accordance with [MMC 22C.010.280](#), Cottage housing developments.

Council.

The city council of the City of Marysville.

County.

Snohomish County, Washington.

Covenants, Conditions, and Restrictions, or CC&Rs.

A document setting forth the covenants, conditions, and restrictions applicable to a development, recorded with the Snohomish County auditor and, typically, enforced by a property owner's association or other legal entity.

Critical areas.

Areas of environmental sensitivity, which include the following areas and ecosystems:

- (1) Wetlands;
- (2) Fish and wildlife habitat; and
- (3) Geologically hazardous areas.

Critical facility, (*Floodplain management*).

A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

Critical habitat or critical wildlife habitat.

Habitat areas associated with threatened, endangered, sensitive, or priority species of plants, fish, or wildlife and which, if altered, could reduce the likelihood that the species will maintain and reproduce over the long term. Areas are documented with reference to lists, categories and definitions of species promulgated by the Washington Department of Wildlife (nongame data system special animal species) as identified in [WAC 232-12-011](#) or [232-12-014](#) and in the priority habitat species lists compiled in compliance with [WAC 365-190-080](#); or by rules and regulations adopted currently or hereafter by the U.S. Fish and Wildlife Service, copies of which are available at the community development department. Critical habitat also includes the following types of areas:

- (1) Regionally rare native fish and wildlife habitat (i.e., one of five or fewer examples of the habitat type within the city of Marysville).
- (2) Fish and wildlife areas with irreplaceable ecological functions, including the following:
 - (a) Estuarine marshes meeting any of the following criteria:
 - (i) The area is listed as a National Wildlife Refuge, National Park, National Estuary Reserve, Natural Area Preserve or any preserve or reserve designated under [WAC 332-30-151](#);
 - (ii) The total area is five acres or greater and contains at least two estuarine wetland habitat classes; or
 - (iii) The total area is less than five acres and meets four of the following conditions:
 - (A) Area is greater than one acre;
 - (B) Contains at least two estuarine wetland classes;
 - (C) Shows minimum evidence of human-caused physical alteration, such as diking, filling, cultivating, etc.;
 - (D) Contains a functional tidal channel(s) or is connected to a tidal stream;
 - (E) Within a watershed that has few to moderate point or nonpoint water quality problems cited by the Department of Ecology; or
 - (F) Land adjacent to more than 75 percent of the area's border is agricultural or relatively undisturbed forest;
 - (b) Eelgrass and kelp beds (floating or nonfloating) with greater than 50 percent macroalgal cover during August or September;
 - (c) Category I wetlands as defined in [MMC 22E.010.100](#);
 - (d) Documented commercial and recreational shellfish beds managed by the Washington Department of Fisheries;
 - (e) State Nature Area Preserves or Natural Resource Conservation Areas identified by state law and managed by the Department of Natural Resources;
 - (f) Documented habitat or presence of threatened and endangered species;
 - (g) Documented habitat of regional or national significance for migrating birds;
 - (h) Naturally occurring ponds stocked with native game fish by government or tribal entities, and naturally occurring ponds greater than one acre and less than 20 acres in area, not more than 50 percent of which is covered by emergent aquatic vegetation, shrubs or trees, and whose maximum depth does not exceed 6.6 feet.

Crops.

All plants grown for human or animal consumption or use.

Cul-de-sac, court or dead end street.

A short street having one end open to traffic and being permanently or temporarily terminated by a vehicle turn-around.

22A.020.050**"D" Definitions****Day**

A calendar day. A time period expressed in a number of days is computed by excluding the first day and including the last day. When an act to be done requires a City business day, and the last

day by which the act may be done is not a City business day, then the last day to act is the following business day.

Day care.

An establishment for group care of nonresident adults or children.

(1) Day care shall include, but not be limited to, child day care services, adult day care centers and the following:

(a) Adult day care, such as adult day health centers or social day care as defined by the Washington State Department of Social and Health Services;

(b) Nursery schools for children under minimum age for education in public schools;

(c) Privately conducted kindergartens or prekindergartens when not a part of a public or parochial school; and

(d) Programs covering after-school care for school children.

(2) Day care establishments are subclassified as follows:

(a) Day care I – A facility that provides day care to a maximum of 12 adults or children in any 24-hour period; and

(b) Day care II – A facility that provides day care to over 12 adults or children in any 24-hour period.

Deciduous.

A plant species with foliage that is shed annually.

Dedicatory statement.

A statement or representation on the final plat of those conditions and restrictions required to appear on the face of the final plat as a condition of plat approval.

Density

The number of housing units per acre as permitted by this title.

Department.

The city of Marysville Community Development Department.

Department of Ecology, or DOE.

The Washington State Department of Ecology.

Detached building.

A building surrounded on all sides by open space.

Developer.

Person applying for or receiving a permit or approval for a development.

Development.

Any proposed land use, zoning, or rezoning, comprehensive plan amendment, annexation, subdivision, short subdivision, planned residential development, binding site plan, conditional use permit, shoreline development permit, or any other property development action permitted or regulated by the Marysville Municipal Code.

Development, (*Floodplain management*).

Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

Directional sign.

A single-faced or double-faced sign not exceeding six square feet in surface area per side designed to guide or direct pedestrian or vehicular traffic to an area, place or convenience. Advertising on said signs shall be limited to incidental graphics such as trade names and trademarks. A directional sign is a type of instructional sign.

Director.

The community development director for the city of Marysville.

Division of land.

Any segregation not otherwise exempt as provided for under the provisions of this title which alters the shape, size or legal description of any part of any owner's land. A tax segregation does not constitute a division of land for the purpose of meeting the requirements of [Chapter 58.17 RCW](#) and this title.

Dock.

A basin for moorage of boats, including a basin formed between the extension of two piers or the area between a bank or quay and a pier. Docking facilities may include wharves, moorage or docks or any place or structure connected with the shore or upon shorelands provided for the securing of a boat or vessel.

Drop box facility.

A facility used for receiving solid waste and recyclables from off-site sources into detachable solid waste containers, including the adjacent areas necessary for entrance and exit roads, unloading and vehicle turnaround areas. Drop box facilities normally service the general public with loose loads and may also include containers for separated recyclables.

Duplex.

A building that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.

Dwelling unit.

A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.

22A.020.060**"E" Definitions****Easement**

A right granted by a property owner to specifically named parties or to the public for the use of certain land for specified purposes.

Effective date.

The date a final decision becomes effective.

EIS.

Environmental Impact Statement.

Elderly.

A person 62 years of age or older.

Electric scooters and motorcycles.

Any 2-wheel vehicle that operates exclusively on electrical energy for an off-board source that is stored in the vehicle's batteries and produces zero emissions or pollution when stationary or operating.

Electric sign.

Any sign containing electrical wiring, lighting, or other electrical components, but not including signs illuminated by a detached exterior light source.

Electric vehicle.

Any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. "Electric vehicle" includes:

- (1) A battery electric vehicle;

- (2) A plug-in hybrid electric vehicle;
- (3) A neighborhood electric vehicle; and
- (4) A medium-speed electric vehicle.

Electric vehicle charging station.

A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted outright as an accessory use to any principal use.

Electric vehicle charging station - public.

An electric vehicle charging station that is:

- (1) Publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking); or
- (2) Privately owned and publically available (e.g., shopping center parking, non-reserved parking in multi-family parking lots).

Electric vehicle charging station - restricted.

An electric vehicle charging station that is (1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking) or (2) publically owned and restricted (e.g., fleet parking with no access to the general public).

Electric vehicle infrastructure.

Structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

Electric vehicle parking space.

Any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

Electronic message sign.

A variable message sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix. Also known as changeable copy sign.

Elevated building, (*Floodplain management*).

For insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Energy resource recovery facility.

An establishment for recovery of energy in a usable form from mass burning or refuse-derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste.

Engineering feasibility study.

A report prepared by a licensed professional engineer qualified by training to have expert engineering knowledge of a particular subject. The report will identify the capability of the land to withstand disturbance, such as erosion, sedimentation, geological hazards, or other aspects of the development.

Environmentally sensitive areas.

Those areas regulated by [Chapter 22E.010 MMC](#), and their buffers.

Equipment, heavy.

High-capacity mechanical devices for moving earth or other materials, and mobile power units including, but not limited to:

- (1) Carryalls;
- (2) Graders;
- (3) Loading and unloading devices;

- (4) Cranes;
- (5) Drag lines;
- (6) Trench diggers;
- (7) Tractors;
- (8) Augers;
- (9) Bulldozers;
- (10) Concrete mixers and conveyers;
- (11) Harvesters;
- (12) Combines; or
- (13) Other major agricultural equipment and similar devices operated by mechanical power as distinguished from manpower.

Erosion.

The wearing away of the earth's surface as a result of the movement of wind, rain, water and other natural agents which mobilize and transport soil particles.

Erosion hazard areas.

Lands or areas that, based on a combination of slope inclination and the characteristics of the underlying soils, are susceptible to varying degrees of risk of erosion. Erosion hazard areas are classified as low hazard, moderate hazard and high hazard, based on the following criteria:

- (1) Low Hazard. Areas sloping less than 15 percent.
- (2) Moderate Hazard. Areas sloping between 15 and 40 percent and underlain by soils that consist predominantly of silt, clay, bedrock or glacial till.
- (3) High Hazard. Areas sloping between 15 and 40 percent that are underlain by soils consisting largely of sand and gravel, and all areas sloping more steeply than 40 percent.

Ex parte communication.

Any oral or written communication made by any person, including a City employee or official, pertaining to a matter that is or will be within the jurisdiction of the City Council, Hearing Examiner or Planning Commission made outside of a public record.

Existing and ongoing agricultural activities.

Those activities involved in the production of crops and livestock, and changes between agricultural activities and uses, and normal operation, maintenance, repair, or reconstruction of existing serviceable structures, as well as construction of new farm structures, facilities or improved areas. An operation ceases to be ongoing when a formal plat has been approved by the city for development of the small farm.

Evergreen.

A plant species with foliage that persists and remains green year round.

Existing and ongoing agricultural activities.

Those activities involved in the production of crops and livestock, including but not limited to operation and maintenance of farm and stock ponds or drainage and irrigation systems, changes between agricultural activities and uses, and normal operation, maintenance, repair, or reconstruction of existing serviceable structures, facilities or improved areas. Activities which bring an area into agricultural use are not part of an ongoing activity. An operation ceases to be ongoing when the area on which it was conducted is proposed for conversion to a nonagricultural use or has lain idle for a period of longer than five years, unless the idle land is registered in a federal or state soils conservation program. Forest practices are not included in this definition.

Existing manufactured home park or subdivision, (*Floodplain management*).

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

Exotic species.

Any species of plant or animal that is not indigenous to the area.

Expansion to an existing manufactured home park or subdivision, (*Floodplain management*).

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

22A.020.070**“F” Definitions****FAA.**

The Federal Aviation Administration.

Façade.

All the wall planes of a structure as seen from one side or view. For example, the front façade of a building would include all of the wall area that would be shown on the front elevation of the building plans.

Factory-built commercial building, or modular.

Any structure that is either entirely or substantially prefabricated or assembled at a place other than a building site; and designed or used for nonresidential human occupancy. Such structures meet all requirements of the Uniform Building Code. Once erected at the site, they are not mobile and are not considered to be mobile/manufactured homes.

Factory-built housing, or modular.

A structure constructed and partially assembled in a factory and transported to the building site for final erection. Such structures meet all requirements of the Uniform Building Code. Once erected at the site, they are not mobile and are not considered to be mobile/manufactured homes.

Farm product processing.

The processing and packaging of seasonally grown agricultural products or the cutting of flesh of domestic farm animals for individual customers, but shall not include their conversion to manufactured products.

FCC.

The Federal Communications Commission.

Federal manual, or federal methodology.

The methodology for identifying wetlands in the field as described in the Corps of Engineers Wetlands Delineation Manual (January, 1989).

Fence.

A barrier for the purpose of enclosing space or separating lots, composed of masonry or concrete walls, or posts connected by boards, rails, panels, wire or mesh.

Fence, sight-obscuring.

The minimum for a “sight-obscuring fence” is a chainlink fence with permanently attached, woven slats in every row or available space of the fence.

Fill.

The act of placing (by any manner or mechanism) fill material, to, or on any soil surface, sediment surface, or other fill material.

Final approval.

The final official action taken by the city on a proposed subdivision, or short subdivision where all the conditions of preliminary approval have been met.

Final decision.

The final action by the director, hearing examiner, or city council.

Final plat.

The final permanent reproducible drawing and dedication of the subdivision required for filing for record with the county auditor and containing all elements and requirements set forth in state law and in this title.

Final short plat.

The final permanent reproducible drawing and dedication of the short subdivision required for filing for record with the county auditor and containing all elements and requirements set forth in state law and this title.

Final site plan.

A drawing to scale, showing uses and structures proposed for a parcel of land as required by the regulations of this title, and approved by the city, which shall constitute an integral part of the approval process.

Fish report.

A report, prepared by a qualified consultant, that evaluates fish and aquatic animal communities and fish functions and values on a site, consistent with the format and requirements established by this chapter.

Flashing sign.

An illuminated sign which lights suddenly or intermittently. A strobe light used to attract attention to a business is an example of a flashing sign.

Flood or flooding.

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and/or
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

Flood Insurance Rate Map or FIRM.

The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the City.

Flood Insurance Study, (*Floodplain management*).

The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Floodway, (*Floodplain management*).

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor area.

The sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior faces of exterior walls and from the centerline of division walls. Floor area includes basement space, elevator shafts and stairwells at each floor, mechanical equipment rooms or attic spaces with headroom of seven feet six inches or more, penthouse floors, interior balconies and mezzanines, and enclosed porches. Floor area shall not include accessory water tanks and cooling towers, mechanical equipment or attic spaces with headroom of less than seven feet six inches, exterior steps or stairs, terraces, breezeways and open spaces.

Flush-mounted.

Any antenna or antenna array attached directly to the face of the antenna support structure, structure, or building. Where a maximum flush-mounting distance is given, that distance shall be measured from the outside edge of the support structure or building to the inside edge of the antenna.

Forest product sales.

The sale of goods produced, extracted, consumed, gathered or harvested from a forest including, but not limited to:

- (1) Trees;
- (2) Wood chips;
- (3) Logs;
- (4) Fuelwood;
- (5) Cones;
- (6) Christmas trees;
- (7) Berries;
- (8) Herbs; or
- (9) Mushrooms.

Forest research.

The performance of scientific studies relating to botany, hydrology, silviculture, biology and other branches of science in relation to management of forest lands, including but not limited to commercial physical and biological research, noncommercial research organizations, and testing laboratories.

Freestanding sign.

A sign on a frame, pole, or other support structure that is not attached to any building.

22A.020.080**"G" Definitions****Garage.**

(1) A covered structure designed to provide shelter for vehicles, and which is accessory to a use in these structure types:

- (a) houses,
- (b) attached houses,
- (c) duplexes,
- (d) mobile homes, or
- (e) houseboats.

(2) Floor area adjacent to the space designed to provide shelter for vehicles, if not entirely separated from the garage area by floor-to-ceiling walls, is considered part of the garage.

(3) A garage may be attached to or detached from another structure.

Garage or yard sale sign.

A temporary sign used to direct people to a sale of personal household possessions.

Garage, commercial.

A building or portion thereof designed and used for the storage, repair or servicing of motor vehicles or boats as a business.

Garage sale.

The sale of used household personal items by the owner thereof.

Gasoline service station.

Any area of land, including the structures thereon, that is used for the sale of gasoline or other motor fuels, oils, lubricants and auto accessories and which may or may not include washing, lubricating and other minor servicing but not painting operation.

General business service.

An establishment engaged in providing services to businesses or individuals, with no outdoor storage or fabrication, including but not limited to the following uses:

- (1) Depository institutions;
- (2) Nondepository credit institutions;
- (3) Security and commodity brokers, dealers, exchanges, and services;
- (4) Insurance carriers;
- (5) Real estate;

- (6) Holding and other investment offices;
- (7) Miscellaneous personal services, not elsewhere classified;
- (8) Business services and general office uses;
- (9) Outdoor advertising services; and
- (10) Membership organizations, including administrative offices of organized religions, but excluding churches and places of worship.

Geologic hazard areas.

Lands or areas characterized by geologic, hydrologic and topographic conditions that render them susceptible to potentially significant or severe risk of landslides, erosion, or seismic activity.

Geologic hazard area maps.

The geologic hazard area maps prepared for Snohomish County Tomorrow, July, 1991, and associated reports. The maps are adopted by the city of Marysville and indicate the potential presence of geologic hazards.

Geotechnical Study.

A professional report by a certified and licensed geotechnician/civil engineer on a land development project, to determine susceptibility of geological hazards such as erosion, landslides, earthquakes, and other geologic events.

Golf facility.

A recreational facility, under public or private ownership, designed and developed for uses including, but not limited to:

- (1) A golf course;
- (2) A driving range;
- (3) Miniature golf;
- (4) Pro shops;
- (5) Caddyshack buildings;
- (6) Restaurants;
- (7) Office and meeting rooms; and
- (8) Related storage facilities.

Grade.

See "base elevation."

Grading.

Any excavating, filling, clearing, leveling, or contouring of the ground surface by human or mechanical means.

Gross project area.

The total project site.

Growth Management Act, or GMA.

[Chapter 36.70A RCW](#), as now in existence or as hereafter amended.

Groundcover.

Living plants designed to grow low to the ground (generally one foot or less) and intended to stabilize soils and protect against erosion.

22A.020.090**"H" Definitions****Habitat management.**

Management of land to maintain species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created. This does not imply maintaining all habitat or individuals of all species in all cases.

Habitat map.

The fish and wildlife conservation areas maps prepared for Snohomish County Tomorrow, July, 1991, and associated reports. The maps are adopted by the city of Marysville and indicate the potential presence of wildlife species.

Hearing examiner.

The land use hearing examiner for the city.

Homeowners' Association.

Any combination or group of persons or any association, corporation or other entity that represents homeowners residing in a short subdivision, subdivision or planned residential development. A homeowners' association shall be an entity legally created under the laws of the State of Washington.

Home occupation.

Any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident's dwelling unit.

Home, rest, convalescent, for the aged.

A home operated similarly to a boardinghouse but not restricted to any number of guests or guest rooms, and in which nursing, dietary and other personal services are furnished to convalescents, invalids and aged persons, but in which homes are kept no persons suffering from an acute mental sickness, or from a contagious or communicable disease, and in which homes are performed no surgery or other primary treatments such as are customarily provided in hospitals, and in which no persons are kept or served who normally would be admitted to a mental hospital.

Hospital.

An establishment which provides accommodations, facilities and services over a continuous period of 24 hours or more, for observation, diagnosis and care, of two or more individuals, not related by blood or marriage to the operator, who are suffering from illness, injury, deformity or abnormality, or from any condition requiring obstetrical, medical or surgical services.

Hotel.

A building, other than a motel, providing six or more rooms for public lodging especially for temporary guests, but which does not have cooking facilities in individual rooms. A central kitchen and dining room and accessory shops and services catering to the general public can be provided. Not included are institutions housing persons under legal restraint or requiring medical attention or care.

House.

A detached dwelling unit located on its own lot.

Household.

A housekeeping unit consisting of:

- (1) An individual;
- (2) Two or more persons related by blood or marriage;
- (3) A group of two or more disabled residents protected under the Federal Fair Housing Amendment Act of 1988;
- (4) Adult family homes as defined under Washington state law; or
- (5) A group living arrangement where six or fewer residents receive support services such as counseling, foster care or medical supervision at the dwelling unit by resident or non-resident staff; and
- (6) Up to six residents not related by blood or marriage, or in conjunction with any of the above individuals or groups, may occupy a dwelling unit. For purposes of this section, minors living with parent or legal guardian shall not be counted as part of the maximum number of residents.

22A.020.100**"I" Definitions****Impact fee.**

A charge or fee assessed by the City which mitigates all or any portion of a direct impact.

Impervious surface.

Any nonvertical surface artificially covered or hardened so as to prevent or impede the percolation of water into the soil mantle including, but not limited to, roof tops, swimming pools, paved or graveled roads or parking areas and excluding landscaping and surface water retention/detention facilities. Low impact development methods including, but not limited to, pervious pavement systems, green roofs and the area within minimal excavation foundations may reduce impervious area subject to consistency with the Low Impact Development Technical Guidance Manual for Puget Sound and approval of the city engineer.

Improvement.

Any structure or construction including, but not limited to, buildings, roads, storm drainage systems, sanitary sewage facilities, water mains, pedestrian and landscaping improvements.

Incidental signs.

Incidental signs are small signs of a noncommercial nature without advertising, intended primarily for the convenience of the public about goods, facilities, or services available on the premises including, but not limited to, restrooms, hours of operation, entrances and exits to buildings and parking lots, help wanted, public telephones, acceptable credit cards, property ownership or management, or recycling containers.

Indirect lighting.

Lighting displayed or reflected on the surface or face of a sign, which is not inside the sign and not a part of the sign proper.

In-kind mitigation.

Measures taken to replace critical areas with substitute areas whose characteristics and functions closely approximate those destroyed or degraded by a regulated activity. It does not mean replacement "in-category."

Instructional Signs.

A sign clearly intended for instructional purposes, as determined by the Community Development Director, shall not be included in the permitted sum of the sign area of identification wall signs, provided such sign is not larger than six (6) square feet per sign, and such sign is not in a location, and does not include design characteristics, that constitute or serve the purposes of an identification sign.

Interim recycling facility.

A site or establishment engaged in collection or treatment of recyclable materials, which is not the final disposal site, and including:

- (1) Drop boxes;
- (2) Source-separated, organic waste processing facilities; and
- (3) Collection, separation and shipment of glass, metal, paper or other recyclables to others who will re-use them or use them to manufacture new products.

Internally illuminated signs.

Any sign where light shines through a transparent or semi-transparent sign face to illuminate the sign's message. Exposed neon is considered to be a form of internal illumination.

22A.020.110**"J" Definitions****Jail.**

A facility operated by a governmental agency; designed, staffed and used for the incarceration of persons for the purposes of punishment, correction and rehabilitation following conviction of an offense.

22A.020.120**“K” Definitions****Kennel, commercial.**

Any lot or unit of adjoining lots in the city on which a total of more than four dogs and/or cats, or a combination of the same, over three months of age are kept and/or maintained for board, propagation, training or treatment. Such kennel must be established on a minimum of five acres; provided, that the term “commercial kennel” shall not apply to legally established commercial enterprises which operate exclusively as veterinary hospitals or clinics, pet stores or grooming parlors.

Kennel, hobby.

Any lot or unit of adjoining lots in the city on which a total of more than four dogs and/or cats, or a combination of the same, over three months of age are kept; provided, that such animals must be owned by the occupants of the property and must be kept primarily for the use and enjoyment of said occupants, including but not limited to, the raising of the animals for show purposes.

Kennel, exhibitor/breeding.

A place at or adjoining a private residence where three, but not more than 20 adult dogs, cats, or combination thereof, owned by persons residing on said property, are kept for the primary purpose of participating in dog shows or other organized competitions or exhibitions.

22A.020.130**“L” Definitions****Land Surveyor.**

An individual licensed as a land surveyor pursuant to [chapter 18.43 RCW](#).

Landfill.

A disposal facility or part of a facility at which solid waste is placed in or on land.

Landslide.

Episodic downslope movement of a mass of soil or rock and includes snow avalanches.

Landslide hazard areas.

Areas that, due to a combination of slope inclination and relative soil permeability, are susceptible to varying degrees of risk of landsliding. Landslide hazard areas are classified as Classes I-IV based on the degree of risk as follows:

- (1) Low Hazard. Areas with slopes of less than 15 percent.
- (2) Moderate Hazard. Areas with slopes of between 15 and 40 percent and that are underlain by soils that consist largely of sand, gravel, bedrock or glacial till.
- (3) High Hazard. Areas with slopes between 15 percent and 40 percent that are underlain by soils consisting largely of silt and clay, and all areas sloping more steeply than 40 percent.
- (4) Very High Hazard. Areas with slopes over 40 percent and areas of known mappable landslide deposits.

Least visually obtrusive profile.

The design of a wireless communication facility intended to present a visual profile that is the minimum profile necessary for the facility to properly function.

Livestock.

All animals commonly raised on farms, whether now or in the future, and includes such animals as emus, ostriches, buffaloes, llamas, and the like, which are not traditional farm animals but are raised on farms throughout the nation. Livestock does not include dogs, cats or exotic animals as defined by city ordinance or state statute.

Lot.

- (1) “Lot” is a parcel or tract of land so designated on a recorded plat or assessors plat, or:
 - (a) in an unplatted area, a tract having frontage on a public street or private street within a planned residential development or binding site plan and having the minimum size and dimensions required for a building site by the zoning code; or
 - (b) a building site designated as such on an approved planned development plan; or

(c) an unplatted area, legally created, and having the minimum size and dimensions required for a building site by the zoning code, but that does not have frontage on a public street.

(2) A tract consisting of more than one contiguous lot may be considered as one lot for development purposes, subject to interpretation of the location of the front and rear yards.

(3) A "corner lot" is a lot bounded on two adjacent sides by intersecting public streets.

(4) An "interior lot" is a lot other than a corner lot.

(5) A "through lot" is a lot bounded on opposite sides by parallel or approximately parallel public streets.

Lot area.

The total horizontal area within the boundary lines of a lot, excluding any access easements or panhandles. For purposes of this definition, a "panhandle" means a narrow strip of land designed for access purposes which does not, itself, meet the full frontage or width requirements of a lot.

Lot depth.

The depth of a lot is the horizontal distance between the front lot line and the rear lot line measured in the main direction of the side lot lines.

Lot lines.

The property lines along the edge of a lot or site.

(1) "Front lot line" means the yard abutting an improved street from which the lot gains primary access or the yard abutting the entrance to a building and extending the full width of the lot. If this definition does not establish a front yard setback, the community development director shall establish the front yard based upon orientation of the lot to surrounding lots and the means of access to the lot. A lot line, or segment of a lot line, that abuts a street.

(a) On a corner lot, the other lot line abutting the intersecting street shall become a side street lot line having a reduced setback requirement of 10 feet; except when the side street lot line abuts a designated arterial, in which case the side street setback shall be 15 feet and the rear setback can be reduced to 10 feet.

(b) A through lot has two front lot lines.

(2) "Rear lot line" means the lot line opposite and most distance from the front lot line. In the case of triangular or other irregularly shaped lots, it means a line 20 feet in length within the lot, parallel to and at the maximum distance from the front lot line.

(3) "Side lot line" means a lot line that is neither a front nor rear lot line.

(4) "Side street lot line" means a lot line that is both a side lot line and a street lot line.

(5) "Street lot line" means a lot line, or segment of a lot line, that abuts a street.

(a) "Street lot line" does not include lot lines that abut an alley.

(b) On a corner lot, there are two (or more) street lot lines.

(c) Street lot lines can include front lot lines and side lot lines.

Lot width.

The width of a lot is the horizontal distance between the side lot lines measured on a line intersecting at right angles the line of the lot depth thirty feet from the front lot line.

Lowest floor, (*Floodplain management*).

The lowest floor of the lowest enclosed area (including basement). An unfinished or floor resistant enclosure, used solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this code.

22A.020.140

"M" Definitions

Manufactured home, designated.

A "designated manufactured home" is a manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, which:

(1) Is comprised of at least two fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long;

- (2) Was originally constructed with and now has a composition or wood shake or shingle, coated metal or similar roof of nominal 3:12 pitch; and
- (3) Has exterior siding similar in appearance to siding materials commonly used on conventional site-built International Building Code single-family residences.

Manufactured home, (*Floodplain management*).

A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term “manufactured home” does not include park trailers, travel trailers and other similar vehicles. The term “manufactured home” does not include a “recreational vehicle.”

Manufactured home park or subdivision, (*Floodplain management*).

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Marina.

An establishment providing docking, moorage space and related activities limited to the provisioning or minor repair of pleasure boats and yachts; and personal services including, but not limited to:

- (1) Showers;
- (2) Toilets; and
- (3) Self-service laundries.

Marquee.

A permanent structure attached to, supported by, and projecting from a building and providing protection from the weather elements, but which does not include a projecting roof. For purposes of these standards, a free-standing, permanent, roof-like structure providing protection from the elements, such as a service station gas pump island, shall also be considered a *marquee*. The definition also includes an awning and a canopy.

**Marquee sign.**

A sign incorporated into or attached to a marquee.

Master plan.

A concept site plan, to scale, showing general land uses and zoning districts, proposed building pad concepts and orientation, public and private open space, sensitive areas, streets, pedestrian and vehicle connectivity to adjacent parcels, and other design features, required by applicable comprehensive plan and development regulations applying to the parcels.

Master planned senior community.

A master plan for a site that incorporates a range of care options for senior citizens or disabled persons, including but not limited to independent senior housing, senior assisted living, and nursing homes. The proposed development must offer a continuum of care that offers varying degrees of assistance for individuals as it is needed. The community must include an integration of residential living units or beds, recreation, congregate dining, and on-site medical facilities/services.

Material error.

Substantive information upon which a permit decision is based that is submitted in error or is omitted at the time of permit application.

Medium-speed Electric Vehicle.

A self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one mile is more than 25 miles per hour but not

more than 35 miles per hour and otherwise meets or exceeds the federal regulations set forth in [49 C.F.R. Sec. 571-500](#).

Menu sign.

A menu board at the entrance to a drive-through lane at a restaurant or an automobile service facility listing menu items or services for sale at the establishment. Car washes or automobile lubrication facilities typically display a menu sign.

Mitigation – Mitigate.

An action which avoids a negative adverse impact and is reasonable and capable of being accomplished.

MMC.

The Marysville Municipal Code, as amended.

Mobile home.

A transportable, factory-built home designed and intended to be used as a year-round dwelling, and built prior to the enactment of the Federal Manufactured Housing and Safety Standards Act of 1974. Mobile homes are no longer built.

Mobile/manufactured home lot.

A plot of ground within a mobile/manufactured home park designated to accommodate one mobile/manufactured home.

Mobile/manufactured home park.

A tract of land under single ownership or control, including ownership by a condominium association, upon which two or more mobile/manufactured homes occupied as dwellings may be located.

Monument sign.

A freestanding sign that is attached directly to the ground with a decorative base made of wood, masonry or other similar material. Monument signs may have posts comprised of wood, masonry, or metal so long as the posts are completely surrounded by the decorative base. The width of the top of the sign structure can be no more than one hundred twenty (120%) percent of the width of the base. Monument signs shall not exceed twelve (12) feet in height.

Motel.

A building or group of buildings containing six or more rooms where lodging with or without meals is provided for compensation. Cooking facilities may be installed provided no more than 10 percent of the motel units contain complete cooking facilities, and cooking facilities in the remaining units are limited to a "countertop range" with no oven. Motels shall be designed to accommodate the automobile tourist or transient; furnishings and daily maid service shall be provided, and parking facilities must be provided convenient to each guest room.

Motor vehicle and boat dealer.

An establishment engaged in the retail sale of new and/or used automobiles, motor homes, motorcycles, trailers, and boats.

Multifamily, dwelling unit.

A building containing three or more dwelling units, or units when above a ground floor commercial use. The term includes triplexes, four-plexes, apartments, condominiums and the like. It does not include boarding houses, motels or hotels.

Mural.

A large decorative image, not an advertisement that is painted or drawn on an exterior wall of a structure.

22A.020.150**“N” Definitions****Nameplate.**

A sign displaying only an occupant’s name or the name or address of premises.

Native fish.

Fish existing on a site or fish species that are indigenous to the area in question.

Native vegetation.

Vegetation existing on a site or plant species that are indigenous to the area in question

Naturalized species.

Nonnative species of vegetation that are adaptable to the climatic conditions of the coastal region of the Pacific Northwest.

Neighborhood Electric Vehicle.

A self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per hour and conforms to federal regulations under [Title 49 C.F.R. Part 571.500](#).

Net density.

The number of dwelling units divided by the net project area.

Net project area.

The gross project area minus floodplains, utility easements 30 feet wide or greater, publicly owned community facility land and right-of-way, storm water detention facility tracts or easements (unless underground and usable for recreation), private roads or access easements, panhandles, and nontransferable critical areas (e.g., stream channels) per [MMC 22E.010.360](#). If storm water detention areas are designed and constructed to meet low impact development standards, 50 percent of the area used for detention may be counted as net project area.

New construction, (*Floodplain management*).

Structures for which the “start of construction” commenced on or after the effective date of the ordinance codified in this chapter.

New manufactured home park or subdivision, (*Floodplain management*).

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the adopted floodplain management regulations.

Nonconformance.

Any use, improvement or structure which lawfully occupied a building or land on or before April 25, 1972, and was established in conformance with city of Marysville or county rules and regulations in effect at the time of establishment, that no longer conforms to the range of uses permitted in the site’s current zone or to the current development standards of the code due to changes in the code or its application to the subject property.

Nonconforming lot.

A legally established lot, tract or parcel, the area dimensions or location of which met the applicable zoning code requirements in effect at the time the lot, tract, or parcel was created, but which fails by reason of such adoption, revision, or amendment of the zoning code to conform to the present requirements of the zone in which it is located.

Nonconforming sign.

A sign that was created and issued a permit in conformance with development regulations at the time of its installation, but which subsequently, due to a change in the zone or land use regulations, is no longer in conformance with the currently applicable development standards.

Non-Electric Vehicle.

Any motor vehicle that does not meet the definition of "electric vehicle."

Nonhydroelectric generation facility.

An establishment for the generation of electricity by nuclear reaction, burning fossil fuels, or other electricity generation methods.

Nonresidential division of land.

The subdividing of business, commercial and industrial property done in accordance with the city's subdivision or binding site plan ordinance.

22A.020.160**"O" Definitions****Off-premises sign.**

A sign relating, through its message and content, to a business activity, use, product, or service not available on the premises upon which the sign is erected.

Off-street parking.

Parking facilities for motor vehicles on other than a public street or alley.

On-premises sign.

A sign relating, through its message and content, to a business activity, use, product, or service available on the premises upon which the sign is erected.

Open record hearing.

A hearing, conducted by a single hearing body or officer authorized to conduct such hearings, that creates a record through testimony and submission of evidence and information ([RCW 36.70.B.050\(2\)](#)).

Open space.

Any parcel or area of land or water set aside, dedicated, designated, or reserved for public or private use or enjoyment.

Open space, public.

An area dedicated in fee to the city, and operated and maintained by it. Public open space is designed primarily for the use of residents of a particular development, but cannot be reserved for their exclusive use due to the public ownership.

Open-work fence.

A fence in which the solid portions are evenly distributed and constitute no more than 50 percent of the total surface area.

Opiate substitution treatment facility.

An organization that administers or dispenses an approved drug as specified in [212 CFR Part 291](#), as it now reads or is hereafter amended, for treatment or detoxification of opiate substitution. The agency is:

- (1) Certified as an opioid treatment program by the Federal Center for Substance Abuse Treatment, Substance Abuse and Mental Health Services Administration;
- (2) Licensed by the Federal Drug Enforcement Administration;
- (3) Registered by the state Board of Pharmacy;
- (4) Accredited by an opioid treatment program accreditation body approved by the Federal Center for Substance Abuse Treatment, Substance Abuse and Mental Health Services Administration; and
- (5) Certified as an opiate substitution treatment program by the Washington State Department of Social and Health Services.

Ordinary high water mark, or OHWM.

That mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation

as that condition existed on June 1, 1971, or as it may naturally change thereafter; provided, that in any area where the ordinary high water mark cannot be found pursuant to this definition, it shall be the line of mean high water.

Outdoor performance center.

An establishment for the performing arts with open-air seating for audiences. Such establishments may include related services such as food and beverage sales and other concessions.

Out-of-kind mitigation.

Measures taken to replace critical areas with substitute critical areas whose characteristics do not closely approximate those destroyed or degraded. It does not refer to replacement "out of category."

Owner/Ownership Interest.

Owners are all persons having a real property interest. Owners include with respect to real property:

- (1) holder of fee title or a life estate;
- (2) holder of purchaser's interest in a sale contract in good standing;
- (3) holder of seller's interest in a sale contract in breach or in default;
- (4) grantor of deed of trust;
- (5) presumptively, a legal owner and a taxpayer of record;
- (6) fiduciary representative of an owner;
- (7) person having a right of possession or control; or
- (8) any one of a number of co-owners, including joint, in common, by entireties and spouses as to community property.

22A.020.170

"P" Definitions

Painted sign.

A sign painted on a wall, fence or other structure and not lighted by internal illumination. A painted sign is a type of wall sign.

Panhandle lot.

A lot where the front and rear lot lines conform to zoning code requirements for lot dimensions and lot sizes except for the panhandle. The panhandle is a narrow strip of land which does not, itself, meet the full frontage or width requirements of a lot and will be utilized principally for access purposes from an improved public right-of-way.

Parcel.

See definition for "Lot."

Park.

A site designed or developed for recreational use by the public including, but not limited to:

- (1) Indoor facilities, such as:
 - (a) Gymnasiums;
 - (b) Swimming pools; or
 - (c) Activity centers; and
- (2) Outdoor facilities, such as:
 - (a) Playfields;
 - (b) Fishing areas; or
 - (c) Picnic and related outdoor activity areas; and
- (3) Areas and trails for:
 - (a) Hikers;
 - (b) Equestrians;
 - (c) Bicyclists; or
 - (d) Off-road recreational vehicle users.

Party of record, or POR.

A person who has submitted written comments, testified, asked to be notified or is the sponsor of a petition entered as part of the official city record on a specific development proposal.

People with functional disabilities.

"People with functional disabilities" means:

- (1) A person who because of a recognized chronic physical or mental condition or disease is functionally disabled to the extent of:
 - (a) Needing care, supervision or monitoring to perform activities of daily living or instrumental activities of daily living, or
 - (b) Needing support to ameliorate or compensate for the effects of a functional disability so as to lead as independent a life as possible, or
 - (c) Having a physical or mental impairment which substantially limits one or more of such person's major life activities, or
 - (d) Having a record of having such an impairment; or
- (2) Being regarded as having such an impairment, but such term does not include current, illegal use of or active addiction to a controlled substance.

Permitted use.

Any use authorized or permitted alone or in conjunction with another use in a specified district and subject to the limitations of the regulations of such use district.

Person.

Any individual, corporation, partnership, association, governmental body, state agency or other entity whatsoever.

Planned action.

A significant development proposal as defined in [RCW 43.21C.031](#) (SEPA) as amended.

Plans.

Planning documents, which are developed by the various departments of the City, pertaining to the orderly development of public facilities.

Plat.

The map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.

Plat – Final.

A map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, alleys, or other divisions and dedications and containing all elements and requirements set forth in the chapter and [chapter 58.17 RCW](#).

Plat – Preliminary.

- (1) A neat and approximate drawing of a proposed subdivision showing the general layout of streets, alleys, lots, blocks, and other elements of a subdivision required by this chapter and [chapter 58.17 RCW](#).
- (2) The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

Plug-in hybrid electric vehicle, or PHEV.

An electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.

Pole sign.

A freestanding sign hung from or supported by vertical standing pipe(s), wood beams(s) or other material(s) that are affixed to the ground at one end and to the sign at the other end if the support(s) are clearly visible. This definition also includes a pylon sign.

Portable sign.

Any movable sign not permanently attached to the ground or a building and easily removable using ordinary hand tools.

Preliminary approval.

An official action on a proposed subdivision or short subdivision that refers to placement of specific conditions which must be complied with before final approval may be granted.

Primary association area.

The area is used on a regular basis, is in close association with, or is necessary for the proper functioning of the habitat of a critical species. "Regular basis" means that the habitat area is normally, or usually known to, contain a critical species, or based on known habitat requirements of the species the area is likely to contain the critical species. Regular basis is species and population dependent. Species that exist in low numbers may be present infrequently yet rely on certain habitat types.

Priority species or priority wildlife species.

Wildlife species of concern due to their population status and sensitivity to habitat alteration as identified by the Washington Department of Wildlife.

Private stormwater management facility.

A surface water control structure installed by a project proponent to retain, detain or otherwise limit runoff and improve water quality from an individual or group of developed sites specifically served by such structure and is privately owned. This definition does not include biofiltration swales.

Professional office.

An office used as a place of business by licensed professionals, or persons in other generally recognized professions, which use training or knowledge of a technical, scientific or other academic discipline as opposed to manual skills, and which does not involve outside storage or fabrication, or on-site sale or transfer of commodities; including the following:

- (1) Insurance agents, brokers and service;
- (2) Real estate agents and planning directors;
- (3) Income tax return preparation services;
- (4) Legal services;
- (5) Engineering, architectural and surveying services;
- (6) Accounting, auditing and bookkeeping services; and
- (7) Management and public relations services.

Projecting sign.

A sign which projects from and is supported by a wall or parapet of a building with the display surface of the sign in a plane perpendicular to or approximately perpendicular to the wall. See also canopy sign.

Promotional sign.

Posters, pennants, banners or streamers, balloons, searchlights, clusters of flags, strings of twirlers or propellers, flares, and other displays of a carnival nature used to promote a grand opening or sales events.

Property boundary.

The surveyed line at ground surface, which separates the real property owned, rented, or leased by one or more persons, from that owned, rented, or leased by one or more other persons, and its vertical extension.

Public agency.

Any agency, political subdivision or unit of local government of this state including, but not limited to, municipal corporations, special purpose districts and local service districts, any agency of the state of Washington, the United States or any state thereof or any Indian tribe recognized as such by the federal government.

Public agency office.

An office for the administration of any governmental activity or program, with no outdoor storage and including, but not limited to the following uses:

- (1) Executive, legislative, and general government;
- (2) Public finance, taxation, and monetary policy;
- (3) Administration of human resource programs;
- (4) Administration of environmental quality and housing programs;
- (5) Administration of economic programs;
- (6) International affairs;
- (7) Legal counsel and prosecution; and
- (8) Public order and safety.

Public agency training facility.

An establishment or school for training state and local law enforcement, fire safety, national guard or transit personnel and facilities including but not limited to:

- (1) Dining and overnight accommodations;
- (2) Classrooms;
- (3) Shooting ranges;
- (4) Auto test tracks; and
- (5) Fire suppression simulations.

Public agency yard.

A facility for open or enclosed storage, repair, and maintenance of vehicles, equipment, or related materials, excluding document storage.

Public improvements.

"Public improvements" include but are not limited to streets, roads, storm drainage systems, sanitary sewage facilities, water mains, pedestrian and landscaping improvements which comply with adopted city standards and are dedicated to the city for public use.

Public safety sign.

A sign advertising a location where public safety services are available.

Public stormwater management facility.

A surface water control structure installed by a project proponent to retain, detain or otherwise limit runoff and improve water quality from an individual or group of developed sites specifically served by such structure and dedicated to the city. This definition does not include biofiltration swales.

Public street.

A right-of-way which provides vehicular and pedestrian access to adjacent properties, which the city has officially accepted into its street system.

22A.020.180**"Q" Definitions****Qualified scientific professional.**

A person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with [WAC 365-195-905\(4\)](#). A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, or related field, and two years of related work experience.

- (1) A qualified professional for habitats or wetlands must have a degree in biology and professional experience related to the subject species.

(2) A qualified professional for a geological hazard must be a professional engineer or geologist, licensed by the state of Washington.

22A.020.190**“R” Definitions****Radio frequency emissions.**

Any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment on the ground, antenna support structure, building, or other vertical projection.

Rapid charging station.

An industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by [chapter 19.28 RCW](#) and consistent with rules adopted under [RCW 19.27.540](#).

RCW.

The Revised Code of Washington, as amended.

Readerboard sign.

A sign with characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of the sign. See also changeable copy sign.

Real estate sign.

A portable or temporary sign pertaining to the sale, exchange, lease, rental, or availability of land, buildings, condominium and similar units, or apartments.

Recreational vehicle, or RV.

A vehicle or portable structure built on a chassis and designed to be used for temporary occupancy or travel, recreational or vacation use. Said vehicles contain plumbing, heating and electrical systems which are operated without connection to outside utilities. Recreational vehicles shall include, but are not limited to, campers, motor homes and travel trailers; tents are excluded.

Recreational vehicle, (*Floodplain management*).

A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational vehicle site.

A plot of ground within a recreational vehicle park intended for accommodation of a recreational vehicle on a temporary basis.

Recreational vehicle park.

A tract of land under single ownership or control or upon which two or more recreational vehicle sites are located, established or maintained for occupancy by the general public as temporary living quarters for recreation or vacation purposes.

Redivision.

The redivision of a lot located within a previously recorded plat or short plat.

Regional stormwater management facility.

A surface water control structure installed in or adjacent to a stream or wetland of a basin or sub-basin by the city's public works department or a project proponent.

Request for final approval.

A request made by the applicant for final approval of a division of land, when the applicant has completed all the requirements of preliminary approval.

Residential care facility.

A facility, licensed by the state, that cares for at least five but not more than 15 people with functional disabilities, that has not been licensed as an adult family home pursuant to [RCW 70.128.175](#).

Residential development sign.

A sign identifying a residential subdivision or multifamily complex.

Revolving sign.

A sign that revolves or partially revolves by mechanical means.

Riding academy.

Any establishment where horses are kept for riding, driving or stabling for compensation or as an accessory use in the operation of a club, association, ranch or similar establishment.

Risk potential activity or facility.

An activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center. "Risk potential activity" and "risk potential facility" includes:

- (1) Public and private schools and their grounds;
- (2) School bus stops;
- (3) Licensed child day care and licensed preschool facilities;
- (4) Public parks;
- (5) Publicly dedicated trails;
- (6) Sports fields;
- (7) Playgrounds;
- (8) Recreational and community centers;
- (9) Places of worship such as churches, synagogues, temples, mosques;
- (10) Public libraries;
- (11) Any other risk potential activity or facility identified in siting criteria by the Department of Social and Health Services with respect to siting a secure community transition facility.

Roof sign.

Any sign erected upon or above a roof or parapet of a building or structure.

22A.020.200**"S" Definitions****Salmonid.**

Belonging to the family of Salmonidae, including the salmons, trouts, chars, and whitefishes.

Sandwich boards.

A self-supporting A-shaped freestanding temporary sign with only two visible sides that are situated to a business, typically on a sidewalk. See also A-board.

School bus base.

An establishment for the storage, dispatch, repair and maintenance of coaches and other vehicles of a school transit system.

School, commercial.

A building where instruction is given to pupils in arts, crafts or trades, and operated as a commercial enterprise as distinguished from schools endowed and/or supported by taxation.

School district support facilities.

Uses (excluding schools and bus bases) that are required for the operation of a school district. This term includes school district administrative offices, centralized kitchens, and maintenance or storage facilities.

School, elementary, junior or senior high, including public, private and parochial.

An institution of learning which offers instruction in the several branches of learning and study required to be taught in the public schools by the Washington State Board of Education.

Secondary habitat or secondary wildlife habitat.

Areas with one or more of the following attributes: comparatively high wildlife or fish density; high wildlife or fish species richness; significant wildlife or fish breeding habitat; significant wildlife or fish seasonal ranges; significant movement corridors; limited availability; high vulnerability. Secondary habitat may offer less diversity of animal and plant species than critical habitat, but is important for performing the essential functions of habitat.

Secure community transition facility.

A residential facility for persons civilly committed and conditionally released to a less restrictive alternative under [Chapter 71.09 RCW](#). A secure community transition facility has supervision and security, and either provides or ensures the provisions of sex offender treatment services. "Secure community transition facilities" include but are not limited to the facilities established pursuant to [RCW 71.09.250](#) and any community-based facilities established under [Chapter 71.09 RCW](#) and operated by the Secretary of the State Department of Social and Health Services or under contract with the Secretary.

Seismic hazard areas.

Areas that, due to a combination of soil and groundwater conditions, are subject to severe risk of ground shaking, subsidence or liquefaction of soils during earthquakes. These areas are typically underlain by soft or loose saturated soils (such as alluvium), have a shallow ground water table and are typically located on the floors of river valleys. Seismic hazard areas are classified as follows:

- (1) Low Hazard. Areas underlain by dense soils or bedrock.
- (2) High Hazard. Areas underlain by soft or loose saturated soils.

Self-service storage facility.

An establishment containing separate storage spaces that are leased or rented as individual units.

Senior citizen assisted, dwelling unit.

A building containing two or more dwelling units restricted to occupancy by senior citizens, and including, but not limited to the following support services, as deemed necessary:

- (1) Food preparation and dining areas;
- (2) Group activity areas;
- (3) Medical supervision; and
- (4) Similar activities.

SEPA Rules.

[Chapter 197.11 WAC](#) adopted by the department of ecology.

Setback.

The minimum distance required between a specified object, such as a building and another point. Setbacks are usually measured from lot lines to a specified object but may also be measured from improvements, rights-of-way, easement, drainage way, steep slopes or other boundaries or potential hazards that are required to remain free of structures. In addition, the following setbacks indicate where each setback is measured from:

- (1) "Front setback" means a setback that is measured from a front lot line.
- (2) "Rear setback" means a setback that is measured from a rear lot line.
- (3) "Side setback" means a setback that is measured from a side lot line.
- (4) "Street setback" means a setback that is measured from a street lot line.

Shooting range.

A facility designed to provide a confined space for safe target practice with firearms, archery equipment, or other weapons.

Shopping center.

A group of retail and service establishments clustered on a contiguous site, designed and built as a unit or organized as a unified and coordinated shopping area consisting of at least 50,000 square feet of building area and/or one or more supermarkets, variety or department stores.

Shoreline Management Act, The SMA or Act.

[Chapter 90.58 RCW](#), as amended.

Short Plat – Final.

The final drawing of the short subdivision and dedication, prepared for filing for record with the Snohomish County auditor and containing all elements and requirements set for in this title and [chapter 58.17 RCW](#).

Short Plat – Preliminary.

(1) A neat and approximate drawing of a proposed short subdivision showing the general layout of streets, alleys, lots, blocks, and other elements of a short subdivision required by this title and [chapter 58.17 RCW](#).

(2) The preliminary short plat shall be the basis for the approval or disapproval of the general layout of a short subdivision.

Short Subdivision.

A division or redivision of land into nine or fewer lots, tracts, parcels, or sites for the purpose of sale, lease or transfer of ownership. ([RCW 58.17.020\(6\)](#)).

Sign.

Any device, fixture, or placard that is visible from a public right-of-way or surrounding properties and uses graphics, symbols, logos, or written copy conveying a message or image and used to inform or attract the attention of the public, such as advertising or identifying an establishment, product, goods, service or activity. A sign may have multiple faces and advertise multiple on-premises establishments, businesses, products, services, or activities. This definition does not include any flag of any country, state or local jurisdiction. Unless the context clearly provides to the contrary, a “sign” as used in this chapter also includes the “sign structure.”

Sign face.

The portion of a sign which contains lettering, logo, trademark, or other graphic representations.

Sign maintenance.

Normal care needed to keep a sign functional, such as cleaning, painting, oiling, and changing of light bulbs.

Sign repair.

Fixing or replacement of broken or worn parts. Replacement includes comparable materials only.

Sign structure.

A structure specifically intended for supporting or containing a sign. This definition shall include any decorative covers, braces, wires, supports, or components attached to or placed around the sign structure.

Significant tree.

An existing healthy tree which, when measured four feet above grade, has a minimum diameter of:

- (1) Eight inches for evergreen trees; or
- (2) Twelve inches for deciduous trees.

Single-family attached, dwelling unit.

A building containing not more than one dwelling unit attached at the side or sides in a series of two or more principal buildings each containing not more than one dwelling unit. Each building

containing one dwelling unit shall be structurally independent of adjacent buildings except that the joints must be covered. Each dwelling shall have at least two private entrances with direct access to ground level. Each dwelling shall have a separate lot, or be so located on land in the same ownership that individual lots meeting the minimum dimensional requirements of this title could be provided. The term "attached dwelling" is intended to apply to townhouses, rowhouses, patio or atrium houses, or any form of single-family dwelling units which conform to this definition.

Single-family detached, dwelling unit.

A detached building designed for and occupied exclusively by one family and the household employees of that family, including manufactured homes.

Single-family residential building.

A dwelling containing only one dwelling unit.

Site plan.

A plan, to scale, showing uses and structures proposed for a parcel or parcels of land as required by the regulations involved. It includes lot lines, streets, building sites, public and private open space, sensitive areas, buildings, parking lots, required landscaping, major landscape features (both natural and manmade) and, depending on requirements, the locations of proposed utilities. Such a site plan should accompany commercial and industrial building permits, conditional use permits, multiple-family or other uses that require review of parking, landscaping or other design features prior to permit issuance.

Site plan review.

The process whereby local officials review the site plans or master plans to assure that they meet the stated purposes and standards of the zone, provide for necessary public facilities such as roads, and accomplish the goals of the city as stated in adopted comprehensive plans and development regulations.

Slope.

An inclined earth surface, the inclination of which is expressed as the ratio of horizontal distance to vertical distance.

Small farm, new.

The conversion of a property from a nonagricultural activity to one involved in the production of crops and/or livestock, as well as construction of agricultural structures and/or facilities.

Soil recycling/incineration facility.

An establishment engaged in the collection, storage and treatment of contaminated soils to remove and reuse organic contaminants.

Special event sign.

See temporary and special event signs.

Specified anatomical areas.

Less than completely and/or opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola, and human male genitals in a discernibly turgid state, even if completely or opaquely covered.

Specified sexual activities.

Acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region, buttock, or female breast; and human genitals in a state of sexual stimulation or arousal.

Sports club.

An establishment engaged in operating physical fitness facilities and sports and recreation clubs.

Stable.

A structure or facility in which horses or other livestock are kept for:

- (1) Boarding;
- (2) Training;
- (3) Riding lessons;
- (4) Breeding;
- (5) Rental; or
- (6) Personal use.

Start of construction, (*Floodplain management*).

Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Streams.

Water contained within a channel, either perennial or intermittent, and classified according to locally appropriate stream classification system based on [WAC 222-16-030](#). Streams also include open natural watercourses modified by man. Streams do not include irrigation ditches, waste ways, drains, outfalls, operational spillways, channels, storm water runoff facilities or other wholly artificial watercourses, except those that directly result from the modification to a natural watercourse. Streams are further characterized as follows:

- (1) Type S Stream. Those streams, within their ordinary high water mark, as inventoried as "shorelines of the state" under [Chapter 90.58 RCW](#) and the rules promulgated pursuant to [Chapter 90.58 RCW](#).
- (2) Type F Stream. Those stream segments within the ordinary high water mark that are not Type S streams, and which are demonstrated or provisionally presumed to be used by salmonid fish. Stream segments which have a width of two feet or greater at the ordinary high water mark and have a gradient of 16 percent or less for basins less than or equal to 50 acres in size, or have a gradient of 20 percent or less for basins greater than 50 acres in size are provisionally presumed to be used by salmonid fish. A provisional presumption of salmonid fish use may be refuted at the discretion of the community development director where any of the following conditions are met:
 - (a) It is demonstrated to the satisfaction of the city that the stream segment in question is upstream of a complete, permanent, natural fish passage barrier, above which no stream section exhibits perennial flow;
 - (b) It is demonstrated to the satisfaction of the city that the stream segment in question has confirmed, long-term, naturally-occurring water quality parameters incapable of supporting salmonid fish;
 - (c) Sufficient information about a geomorphic region is available to support a departure from the characteristics described above for the presumption of salmonid fish use, as determined in consultation with the Washington Department of Fish and Wildlife, the Department of Ecology, affected tribes, or others;
 - (d) The Washington Department of Fish and Wildlife has issued a hydraulic project approval pursuant to [RCW 77.55.100](#) that includes a determination that the stream segment in question is not used by salmonid fish;
 - (e) No salmonid fish are discovered in the stream segment in question during a stream survey conducted according to the protocol provided in the Washington Forest Practices Board Manual, Section 13, Guidelines for Determining Fish Use for the Purpose of Typing Waters under [WAC 222-16-031](#), provided no unnatural fish passage barriers have been present downstream of said stream segment over a period of at least two years.

(3) **Type Np Stream.** Those stream segments within the ordinary high water mark that are perennial and are not Type S or Type F streams. However, for the purpose of classification, Type Np streams include the intermittent dry portions of the channel below the uppermost point of perennial flow. If the uppermost point of perennial flow cannot be identified with simple, nontechnical observations (see Washington Forest Practices Board Manual, Section 23), then said point shall be determined by a qualified professional selected or approved by the city.

(4) **Type Ns Stream.** Those stream segments within the ordinary high water mark that are not Type S, Type F, or Type Np streams. These include seasonal streams in which surface flow is not present for at least some portion of a year of normal rainfall that are not located downstream from any Type Np stream segment.

Street.

A public thoroughfare which affords the principal means of access to abutting properties.

Street banners – decorations.

Any street banners, decorations, and/or other similar items located in the city right-of-way.

Structural alterations.

Any change in load or stress of the loaded or stressed members of a building or structure.

Structure.

A combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground. Not included are residential fences less than six feet in height, retaining walls, rockeries and similar improvements of a minor character less than three feet in height.

Structure, (*Floodplain management*).

A walled and roofed building or mobile home that is principally above ground.

Subarea plan.

A general land use plan for a neighborhood or neighborhoods that is adopted pursuant to the Growth Management Act ([RCW 36.70A.030](#)) as part of the city's Growth Management Act comprehensive plan. A subarea plan shows more detailed information for the neighborhoods and can include adoption of development policies, design standards or development regulations specific to the subarea. The subarea plan is processed in accordance with the procedures for comprehensive plan adoption and amendment.

Subdivision.

A division or redivision of land into ten or more lots, tracts, or parcels for the purpose of sale, lease or transfer of ownership. ([RCW 58.17.020](#))

Subdivision and short subdivision certificate.

A report by a title insurance company certifying the title of lands as described and shown on the subdivision or short subdivision plat is in the name of the owners signing the final map or declaration of ownership.

Subject property.

The site where an activity requiring a permit or approval under this code will occur.

Substantial damage, (*Floodplain management*).

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement.

Any repair, reconstruction, structural modification, addition or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

(1) Before the improvement or repair is started; or

(2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

(a) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

(b) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

Substantial improvement, (*Floodplain management*).

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

(1) Before the improvement or repair is started; or

(2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or any alteration of a "historic structure," provided, that the alteration will not preclude the structure's continued designation as a "historic structure."

(2) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

Substrate.

The soil, sediment, decomposing organic matter or combination of those located on the bottom surface of the wetland.

Suitable guarantee.

An acceptable guarantee to the city to ensure performance and/or warranty of improvements.

Swale.

A shallow drainage conveyance with relatively gentle side slopes, generally with flow depths less than one foot.

Swamp.

A depressed area flooded most of the year to a depth greater than that of a marsh and characterized by areas of open water amid soft, wetland masses vegetated with trees and shrubs. Extensive grass vegetation is not characteristic.

22A.020.210

"T" Definitions

Taxi stands.

Establishments engaged in furnishing individual or small group transportation by motor vehicle.

Temporary and special event signs.

A sign placed on a structure or the ground for a specifically limited period of time as provided in [MMC 22C.160.230](#).

Temporary use permit.

A permit to allow a use of limited duration and/or frequency, or to allow multiple related events over a specified period.

Tenant space.

Portion of a structure occupied by a single commercial lease holder with its own public entrance from the exterior of the building or through a shared lobby, atrium, mall, or hallway and separated from other tenant spaces by walls.

Tertiary habitat.

Habitat which, while supporting some wildlife or fish and performing other valuable functions, does not currently possess essential characteristics necessary to support a diverse wildlife community. Tertiary habitat also includes habitat which has been created purposefully by human actions to serve other or multiple purposes, such as open space areas, and landscape amenities.

Threat to the community.

A tendency which constitutes a direct threat to the health or safety of other individuals or a tendency which would result in substantial physical damage to the property of others. This term shall be interpreted in accordance with the provisions of and judicial interpretations of the [Federal Fair Housing Act amendments, 43 USC Section 3604\(f\)\(9\)](#), as the same exists or is hereafter amended.

Time and temperature sign.

An electronic message sign displaying solely the time and temperature.

Top of the bank.

That point in the natural contour where there is a distinct, sharp break in slope for a minimum of 50 running feet or greater which separates inclines at less than 25 percent from slopes equal to or greater than 25 percent. Where no distinct break exists, the top of the bank shall be the uppermost limit of the area where the ground surface drops six feet and three inches or more vertically within a horizontal distance of 25 feet.

Townhouse.

A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

Tract.

See definition for "Lot."

Transfer station.

A staffed collection and transportation facility used by private individuals and route collection vehicles to deposit solid waste collected off-site into larger transfer vehicles for transport to permanent disposal sites; and may also include recycling facilities involving collection or processing for shipment.

Transit bus base.

An establishment for the storage, dispatch, repair and maintenance of coaches, light rail trains, and other vehicles of a public transit system.

Transit park and pool lot.

A parking area comprised of 50 or fewer parking spaces located in an existing parking lot serving an existing land use, and usage of the lot for transit is limited to the weekday hours between 5:00 a.m. and 8:00 p.m. daily.

Transit park and ride lot.

Vehicle parking specifically for the purpose of access to a public transit system.

Transitional housing facilities.

Housing units owned by public housing authorities, nonprofit organizations or other public interest groups that provide housing to persons on a temporary basis for a duration not to exceed 24 months in conjunction with job training, self sufficiency training, and human services counseling; the purpose of which is to help persons make the transition from homelessness to placement in permanent housing.

22A.020.220**“U” Definitions****Unified Development Code, or UDC**

City of Marysville Unified Development Code (UDC), [MMC Title 22](#).

Use.

An activity or function carried out on an area of land, or in a building or structure located thereon. Any use comprising the sole or main use on the site is considered the primary use of the site. Any use subordinate or incidental to the primary use on a site is considered an accessory use.

Utility facility.

A facility for the distribution or transmission of services to an area; requiring location in the area to be served; including, but not limited to:

- (1) Telephone exchanges;
- (2) Water pumping or treatment stations;
- (3) Electrical switching substations;
- (4) Water storage reservoirs or tanks;
- (5) Municipal groundwater well-fields;
- (6) Regional stormwater management facilities;
- (7) Natural gas gate stations and limiting stations;
- (8) Propane, compressed natural gas and liquefied natural gas storage tanks serving multiple lots or uses from which fuel is distributed directly to individual users; and
- (9) Sewer lift stations.

22A.020.230**“V” Definitions****Variance.**

The means by which an adjustment is made in the application of the specific regulations of this title to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same zone or vicinity and which adjustment remedies disparity in privileges. A variance is a form of special exception.

Vested.

The right to development or continue development in accordance with the laws, rules, and other regulations in effect at the time vesting is achieved.

Veterinary clinic.

A building or premises for the medical or surgical treatment of animals or pets, including dog, cat and veterinary hospitals, including the boarding of hospitalized animals.

22A.020.240**“W” Definitions****WAC**

Washington Administrative Code

Wall sign.

Any sign attached to or painted on the wall of a building or structure in a plane parallel or approximately parallel to the plane of said wall.

Warehousing and wholesale trade.

Establishments involved in the storage and/or sale of bulk goods for resale or assembly, excluding establishments offering the sale of bulk goods to the general public which is classified as a retail use.

Wastewater treatment facility.

A plant for collection, decontamination and disposal of sewage, including residential, industrial and commercial liquid wastes, and including any physical improvement within the scope of the definition of “water pollution control facility” set forth in [WAC 173-90-015\(4\)](#) as amended.

Water dependent, (*Floodplain management*).

A structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

WCF height.

The height of the antenna support structure shall be measured from the natural undisturbed ground surface below the center of the base of the tower to the top of the tower or, if higher, to the top of the highest antenna or piece of equipment attached thereto.

WCF equipment facility.

Any structure used to contain ancillary equipment for a WCF which includes base stations, cabinets, shelters, a buildout of an existing structure, pedestals and other similar structures.

Wetland or wetlands.

Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

Wetlands area maps.

The wetlands area maps prepared for Snohomish County Tomorrow, July, 1991, and associated reports. The maps are adopted by the city of Marysville and indicate the potential presence of wetlands.

Wetland, artificially created.

Wetlands created through purposeful human action from nonwetland sites, such as irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities.

Wetland buffer area.

An unnaturally vegetated and undisturbed, enhanced or revegetated zone surrounding a natural, restored or newly created wetland that is an integral part of a wetland ecosystem, and protects a wetland from adverse impacts to the integrity and value of a wetland. Wetland buffers serve to moderate runoff volume and flow rates; reduce sediment, chemical, nutrient and toxic pollutants; provide shading to maintain desirable water temperatures; provide habitat for wildlife; and protect wetland resources from harmful intrusion.

Wetland class.

The U.S. Fish and Wildlife Service wetland classification scheme uses a hierarchy of systems, subsystems, classes and subclasses to describe wetland categories (refer to USFWS, December 1979, Classification of Wetlands and Deep Water Habitats of the United States for a complete explanation of the wetland classification scheme). Eleven class names are used to describe wetland and deep water habitat types. These include forested wetland, scrub-shrub wetland, emergent wetland, moss-lichen wetland, unconsolidated shore, aquatic bed, unconsolidated bottom, rock bottom, rocky shore, stream bed, and reef.

Wetland creation.

The producing or forming of a wetland through artificial means from an upland (dry) site.

Wetland delineation.

A technical procedure performed by a wetland specialist to determine the area of a wetland, ascertaining the wetland's classification, function, and value, and to define the boundary between a wetland and adjacent uplands. Delineations shall be performed by a wetland specialist according to

the Washington State Wetlands Identification and Delineation Manual (for Western Washington) as prepared by the Washington State Department of Ecology, adopted under [RCW 36.70A.175](#) pursuant to [RCW 90.58.380](#).

Wetland determination.

A report prepared by a qualified consultant that identifies, characterizes and analyzes potential impacts to wetlands consistent with applicable provisions of these regulations. A determination does not include a formal delineation.

Wetland enhancement.

The improvement of an existing viable wetland or buffer, such as by increasing plant diversity, increasing wildlife habitat, installing environmentally compatible erosion controls, or removing nonindigenous plant or animal species.

Wetland, in-kind mitigation.

Replacement of wetlands with substitute wetlands whose characteristics closely approximate those destroyed or degraded by a regulated activity.

Wetland, low impact use.

Land uses which are typically associated with relatively low levels of human activity, disturbance or development and low wetland habitat impacts. Low intensity land uses may include, but are not limited to, passive recreation, open space, or agricultural land uses that do not create a significant potential for wetlands impacts.

Wetland mitigation.

"Wetland mitigation" includes:

- (1) Avoiding the impact altogether by not taking a certain action or parts of actions.
- (2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (3) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- (4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (5) Compensating for the impact by replacing or providing substitute resources or environments.

While monitoring without additional actions is not considered mitigation for the purposes of these regulations, it may be part of a comprehensive mitigation program.

Wetland, out-of-kind mitigation.

Replacement of wetlands with substitute wetlands whose characteristics do not closely approximate those destroyed or degraded by a regulated activity.

Wetland, regulated activity.

An activity occurring in, near, or potentially affecting a wetland or wetland buffer that are subject to the provisions of this title. Regulated activities generally include but are not limited to any filling, dredging, dumping or stockpiling, draining, excavation, flooding, construction or reconstruction, driving pilings, obstructing, shading, clearing or harvesting.

Wetland restoration.

The re-establishment of a viable wetland from a previously filled or degraded wetland site.

Wetland, structural diversity.

The relative degree of diversity or complexity of vegetation in a habitat area as indicated by the stratification or layering of different plant communities (e.g., groundcover, shrub layer and tree canopy); the variety of plant species; and the spacing or pattern of vegetation.

Wildlife habitat.

Areas that provide food, protective cover, nesting, breeding or movement for fish and wildlife and with which individual species have a primary association. "Wildlife habitat" also includes naturally occurring ponds larger than 1.5 acres and smaller than 20 acres in area that are a minimum of six feet deep to the extent that such pond(s) otherwise meet(s) the definition of wildlife habitat.

Wildlife habitat enhancement.

The improvement of existing habitat such as by increasing plant density or structural diversity, or by removing nonindigenous or noxious species.

Wildlife report.

A report, prepared by a qualified consultant, that evaluates plant communities and wildlife functions and values on a site, consistent with the format and requirements established by this title.

Wildlife shelter.

A facility for the temporary housing of sick or wounded or displaced wildlife.

Window sign.

Any sign viewable through and/or affixed in any manner to a window or exterior glass door such that it is intended to be viewable from the exterior, including signs located inside a building but visible primarily from the outside of the building.

Wireless communications.

Any personal wireless service, which includes, but is not limited to, cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), unlicensed spectrum services utilizing devices described in Part 15 of the FCC rules and regulations, e.g., wireless Internet services and paging.

Wireless communication facility, or WCF.

Any manned or unmanned location for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or group of antennas, feed lines, and base station, and may include an antenna support structure. The following developments shall be deemed included in the general definition of a WCF: developments containing new, consolidated, or existing antenna support structures, public antenna support structures, and co-location on existing antenna support structures, co-location onto existing utility pole or cross-country electrical distribution tower, attached antennas or antenna arrays, base stations and feed lines whether concealed or nonconcealed. Included in this definition are: noncommercial amateur radio, amateur ham radio and citizen band antennas, satellite earth stations and antenna support structures, and antennas and/or antenna arrays for AM/FM/TV/HDTV broadcasting WCFs.

Wireless right-of-way use agreement, or WROWA.

The initial authorization, or renewal of an agreement to construct in, under, over (if permitted by city regulations), or across public ways of the city and to also provide wireless telecommunications service to persons or areas in the city.

WSDOT.

Washington State Department of Transportation (WSDOT).

22A.020.250**"X" Definitions****Xeriscape.**

A landscaping method developed especially for arid or semiarid climates that utilizes water-conserving techniques (as the use of drought-tolerant plants, mulch, and efficient irrigation).

22A.020.260**"Y" Definitions****Yard.**

An open space in front, rear or side of the same lot with a building or proposed building.

Yard waste processing facility.

A facility where yard and garden wastes, including wood and land clearing debris, are processed into new products, which include but are not limited to soil amendments and wood chips. This definition does not include individual household composting.

22A.020.270

“Z” Definitions

Zero Lot Line Development.

Zero lot line development allows single-family residences, sharing a common street frontage, to shift to one side of a lot. This means that the same side of each lot may have a zero or reduced setback.

Chapter 22A.030**ZONES, MAPS AND DESIGNATIONS****Sections:**

22A.030.010	Intent.....	55
22A.030.020	Zones and map designations established.	55
22A.030.030	Zoning maps and boundaries.	55
22A.030.040	Zone and map designation purpose.....	56
22A.030.050	Residential zone.....	56
22A.030.060	Neighborhood business zone.	56
22A.030.070	Community business zone.	57
22A.030.080	General commercial zone.	57
22A.030.090	Downtown commercial zone.....	57
22A.030.100	Mixed use zone.	57
22A.030.110	Light industrial zone.	58
22A.030.120	General industrial zone.	58
22A.030.130	Business park zone.....	58
22A.030.140	Recreation zone.	58
22A.030.150	Public/institutional zone.	58
22A.030.160	Whiskey Ridge.	59
22A.030.170	Small farms overlay zone.	59
22A.030.180	Adult facilities overlay zone.	59

22A.030.010**Intent.**

The purpose of this chapter and [Title 22C](#) is to establish districts wherein compatible uses of land may be located and grouped to create, protect or maintain a living environment for the citizens of Marysville. Three broad categories of uses are established, residential, commercial and industrial, and it is the intent of this chapter and [Title 22C](#) to stabilize and protect the uses contained within these districts. An effort will be made to exclude mutually interfering uses, and in particular, to promote residential harmony with surrounding areas of the community.

It is also the purpose of the classifications in this chapter and [Title 22C](#) to make it possible to more efficiently and economically design and install all physical public service facilities in terms of size and capacity to adequately and permanently meet needs resulting from a defined intensity of land use and to provide for the health, safety, morals, prosperity and well-being of the community at large.

22A.030.020**Zones and map designations established.**

In order to accomplish the purposes of this title, the following zoning designations and zoning map symbols are established:

ZONING DESIGNATIONS	MAP SYMBOL
Residential	R (base density in dwellings per acre)
Residential Mobile Home Park	R-MHP
Neighborhood Business	NB
Community Business	CB
General Commercial	GC
Downtown Commercial	DC
Mixed Use	MU
Light Industrial	LI
General Industrial	GI
Business Park	BP
Recreation	REC
Public/Institutional Zone	P/I
Whiskey Ridge	WR (suffix to zone's map symbol)
Small Farms Overlay	SF (suffix to zone's map symbol)
Adult Facilities	AF (suffix to zone's map symbol)
Property-specific development standards	P (suffix to zone's map symbol)

22A.030.030**Zoning maps and boundaries.**

The locations and boundaries of the zoning districts shall be as shown on the map entitled "Official Zoning Map, Marysville, Washington." The map shall be prepared by the Marysville planning commission after conducting hearings on zoning of the city to implement the city's comprehensive

plan and this title. The official zoning map and all the notations, references, amendments thereto and other information shall, upon completion, be made a part of this title, just as if such information set forth on the map was fully described and set out herein. The official zoning map attested by the signature of the mayor and the city clerk, with the seal of the municipality affixed, shall be kept on file in the office of the city clerk, and shall be available for inspection by the public.

22A.030.040 Zone and map designation purpose.

The purpose statements for each zone and map designation set forth in the following sections shall be used to guide the application of the zones and designations to all lands in the city of Marysville. The purpose statements also shall guide interpretation and application of land use regulations within the zones and designations, and any changes to the range of permitted uses within each zone through amendments to this title.

22A.030.050 Residential zone.

(1) The purpose of the residential zone (R) is to implement comprehensive plan goals and policies for housing quality, diversity and affordability, and to efficiently use residential land, public services and energy. These purposes are accomplished by:

(a) Providing, in the R-4.5, R-6.5, and R-8 zones, for a mix of predominantly single detached dwelling units and other development types, with a variety of densities and sizes in locations appropriate for urban densities;

(b) Providing, in the R-12, R-18, and R-28 zones, for a mix of predominantly apartment and townhome dwelling units and other development types, with a variety of densities and sizes in locations appropriate for urban densities;

(c) Providing and preserving high density, affordable detached single-family and senior housing, in the R-MHP zone. This zone is assigned to existing mobile home parks within residential zones which contain rental pads, as opposed to fee simple owned lots, and as such are more susceptible to future development.

(d) Allowing only those accessory and complementary nonresidential uses that are compatible with residential communities; and

(e) Establishing density designations to facilitate advanced area-wide planning for public facilities and services, and to protect environmentally sensitive sites from overdevelopment.

(2) Use of this zone is appropriate in residential areas designated by the comprehensive plan as follows:

(a) Urban lands that are served at the time of development, by adequate public sewers, water supply, roads and other needed public facilities and services; and

(b) The corresponding comprehensive plan designations are as follows:

R-4.5	=	Medium density single-family
R-6.5	=	High density single-family
R-8	=	High density single-family, small lot
R-12	=	Low density multiple-family
R-18	=	Medium density multiple-family
R-28	=	High density multiple-family

22A.030.060 Neighborhood business zone.

(1) The purpose of the neighborhood business zone (NB) is to provide convenient daily retail and personal services for a limited service area and to minimize impacts of commercial activities on nearby properties. These purposes are accomplished by:

(a) Limiting nonresidential uses to those retail or personal services which can serve the everyday needs of a surrounding residential area;

(b) Allowing for a mix of housing and retail/service uses; and

(c) Excluding industrial and community/regional business-scaled uses.

(2) Use of this zone is appropriate in neighborhood centers designated by the comprehensive plan which are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

22A.030.070 Community business zone.

(1) The purpose of the community business zone (CB) is to provide convenience and comparison retail and personal services for local service areas which exceed the daily convenience needs of adjacent neighborhoods but which cannot be served conveniently by larger activity centers, and to provide retail and personal services in locations within activity centers that are not appropriate for extensive outdoor storage or auto-related and industrial uses. These purposes are accomplished by:

- (a) Providing for limited small-scale offices as well as a wider range of the retail, professional, governmental and personal services than are found in neighborhood business areas;
- (b) Allowing for a mix of housing and retail/service uses; and
- (c) Excluding commercial uses with extensive outdoor storage or fabrication and industrial uses.

(2) Use of this zone is appropriate in community commercial areas that are designated by the comprehensive plan and are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

22A.030.080 General commercial zone.

(1) The purpose of the general commercial zone (GC) is to provide for the broadest mix of commercial, wholesale, service and recreation/cultural uses with compatible storage and fabrication uses, serving regional market areas and offering significant employment. These purposes are accomplished by:

- (a) Encouraging compact development that is supportive of transit and pedestrian travel, through higher nonresidential building heights and floor area ratios than those found in CB zoned areas;
- (b) Allowing for outdoor sales and storage, regional shopping areas and limited fabrication uses; and
- (c) Concentrating large-scale commercial and office uses to facilitate the efficient provision of public facilities and services.

(2) Use of this zone is appropriate in general commercial areas that are designated by the comprehensive plan that are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

22A.030.090 Downtown commercial zone.

(1) The purpose of the downtown commercial zone (DC) is to provide for the broadest mix of comparison retail, service and recreation/cultural uses with higher density residential uses, serving regional market areas and offering significant employment. These purposes are accomplished by:

- (a) Encouraging compact development that is supportive of transit and pedestrian travel, through higher nonresidential building heights and floor area ratios than those found in GC zoned areas;
- (b) Allowing for regional shopping areas, and limited fabrication uses; and
- (c) Concentrating large-scale commercial and office uses to facilitate the efficient provision of public facilities and services.

Use of this zone is appropriate in downtown commercial areas that are designated by the comprehensive plan that are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

22A.030.100 Mixed use zone.

(1) The purpose of the mixed use zone (MU) is to provide for pedestrian and transit-oriented high-density employment uses together with limited complementary retail and higher density residential development in locations within activity centers where the full range of commercial activities is not desirable. These purposes are accomplished by:

- (a) Allowing for uses that will take advantage of pedestrian-oriented site and street improvement standards;
- (b) Providing for higher building heights and floor area ratios than those found in the CB zone;
- (c) Reducing the ratio of required parking to building floor area;
- (d) Allowing for on-site convenient daily retail and personal services for employees and residents; and
- (e) Minimizing auto-oriented, outdoor or other retail sales and services which do not provide for the daily convenience needs of on-site and nearby employees or residents.

(2) Use of this zone is appropriate in areas designated by the comprehensive plan for mixed use, or mixed use overlay, which are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

22A.030.110 Light industrial zone.

(1) The purpose of the light industrial zone (LI) is to provide for the location and grouping of non-nuisance-generating industrial enterprises and activities involving manufacturing, assembly, fabrication, processing, bulk handling and storage, research facilities, warehousing and limited retail uses. It is also a purpose of this zone to protect the industrial land base for industrial economic development and employment opportunities. These purposes are accomplished by:

- (a) Allowing for a wide range of industrial and manufacturing uses;
- (b) Establishing appropriate development standards and public review procedures for industrial activities with the greatest potential for adverse impacts; and
- (c) Limiting residential, institutional, service, office and other nonindustrial uses to those necessary to directly support industrial activities.

(2) Use of this zone is appropriate in light industrial areas designated by the comprehensive plan which are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

22A.030.120 General industrial zone.

(1) The purpose of the general industrial zone (GI) is to provide for the location and grouping of industrial enterprises and activities involving manufacturing, assembly, fabrication, processing, bulk handling and storage, research facilities, warehousing and heavy trucking and equipment but also for commercial uses having special impacts and regulated by other chapters of this title. It is also a purpose of this zone to protect the industrial land base for industrial economic development and employment opportunities. These purposes are accomplished by:

- (a) Allowing for a wide range of industrial and manufacturing uses;
- (b) Establishing appropriate development standards and public review procedures for industrial activities with the greatest potential for adverse impacts; and
- (c) Limiting residential, institutional, service, office and other nonindustrial uses to those necessary to directly support industrial activities.

(2) Use of this zone is appropriate in general industrial areas designated by the comprehensive plan which are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

22A.030.130 Business park zone.

(1) The purpose of the business park zone (BP) is to provide for those business/industrial uses of a professional office, wholesale, and manufacturing nature which are capable of being constructed, maintained and operated in a manner uniquely designed to be compatible with adjoining residential, retail commercial or other less intensive land uses, existing or planned. Strict zoning controls must be applied in conjunction with private covenants and unified control of land; many business/industrial uses otherwise provided for in the development code will not be suited to the BP zone due to an inability to comply with its provisions and achieve compatibility with surrounding uses.

(2) Use of this zone is appropriate in business park areas designated by the comprehensive plan which are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

22A.030.140 Recreation zone.

(1) The purpose of the recreation zone (REC) is to establish areas appropriate for public and private recreational uses. Recreation would permit passive as well as active recreational uses such as sports fields, ball courts, golf courses, and waterfront recreation, but not hunting. This zone would also permit some resource land uses related to agriculture and fish and wildlife management.

(2) This recreation zone is applied to all land designated as "Recreation" on the comprehensive plan map.

22A.030.150 Public/institutional zone.

(1) The purpose of the public/institutional (P/I) land use zone is to establish a zone for governmental buildings, churches and public facilities.

(2) This public/institutional zone is applied to all land designated as “public/institutional” on the comprehensive plan map.

22A.030.160 Whiskey Ridge.

The purpose of the whiskey ridge overlay zone (WR suffix to zone’s map symbol) is to create an urban community that provides an attractive gateway into Marysville and becomes a prototype for developing neighborhoods within the City. The WR suffix identifies those areas required to comply with the East Sunnyside/Whiskey Ridge Design Standards and Guidelines, and Streetscape Design Plan.

22A.030.170 Small farms overlay zone.

(1) The purpose of the small farms overlay zone (SF suffix to zone’s map symbol) is to provide a process for registering small farms, thereby applying the small farms overlaying zone and recording official recognition of the existence of the small farm, and to provide encouragement, for the preservation of such farms, as well as encouraging good neighbor relations between single-family and adjacent development.

(2) Use of this zone is appropriate for existing and newly designated small farms.

22A.030.180 Adult facilities overlay zone.

The purpose of establishing the adult facilities overlay zone (AF suffix to zone’s map symbol) is to permit the location of adult facilities in an area of the city which will reduce the secondary effects of such an establishment on the community. The performance criteria included in this zone are intended to control external as well as internal impacts of the development and bulk and special limitations in other chapters of the zoning code are superseded by the provisions of this chapter. It is the further purpose of this zone to prevent the location of adult facilities throughout the city by consolidating them in one area. Because of the unique character of this zone, and its potential to disrupt preexisting residential and commercial development in the community, the city will only consider classifying property in this zone if such property is designated on the comprehensive plan as general industrial and is suitable for adult facilities.

Chapter 22A.040**TRANSITION TO TITLE 22 UNIFIED DEVELOPMENT CODE****Sections:**

22A.040.010	Purpose	60
22A.040.020	General Rules of Interpretation	60
22A.040.030	Existing Project Permit Applications.....	60

22A.040.010**Purpose**

The City of Marysville recognizes that various zoning applications were submitted or approved prior to the effective date of [Title 22 MMC](#). This chapter addresses the status of these applications, and how the adoption of [Title 22 MMC](#) affects them.

22A.040.020**General Rules of Interpretation**

Except as otherwise provided, all permits and land use approvals lawfully issued pursuant to repealed provisions of [Title 15, 19 or 20 MMC](#) no longer applicable to the property shall remain in full force and effect for two years from the effective date of repeal or zoning reclassification or until the expiration date of the respective permit or approval if the date is less than two years from the effective date of repeal or zoning reclassification.

All conditions associated with a project permit related mitigated determination of non-significance (MDNS) issued pursuant to the Washington State Environmental Policy Act (SEPA) remain in effect in all cases unless the MDNS is amended.

22A.040.030**Existing Project Permit Applications**

Project permit applications granted under [Title 15, 19 or 20 MMC](#) shall remain in effect until the date specified in the decision or as specified in [Title 15, 19 or 20 MMC](#). If no expiration date is specified, the approval shall remain in effect for two years from the effective date of [Title 22 MMC](#) for the property. When [Title 22 MMC](#) goes into effect, the property may, at the election of the property owner, be developed pursuant to either the existing approval or [Title 22 MMC](#). When the approval expires the property shall be regulated solely by the requirements of [Title 22 MMC](#).